



CITY OF MORGAN HILL
COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

17555 Peak Avenue Morgan Hill CA 95037 (408) 779-7247 Fax (408) 779-7236
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PLANNING COMMISSION

TUESDAY, MARCH 10, 2009

**CITY COUNCIL CHAMBERS
CIVIC CENTER
17555 PEAK AVENUE
MORGAN HILL, CA**

COMMISSIONERS

CHAIR, SUSAN KOEPP-BAKER
VICE-CHAIR, COMMISSIONER WAYNE TANDA
COMMISSIONER H. GENO ACEVEDO
COMMISSIONER ROBERT L. ESCOBAR
COMMISSIONER RALPH LYLE
COMMISSIONER JOHN A. MONIZ
COMMISSIONER JOSEPH H. MUELLER

REGULAR MEETING - 7:00 P.M.

***** A G E N D A *****

NOTICE TO THE PUBLIC

The following policies shall govern the conduct of the Planning Commission meetings:

- *All Planning Commission proceedings are tape-recorded.*
- *Individuals wishing to address the Planning Commission on a particular item should fill out a speaker card and present it to the Secretary. This will assist the Chairperson in hearing your comments at the appropriate time.*
- *When the Chairperson invites you to address the Commission, please state your name and address at the beginning of your remarks.*
- *Speakers will be recognized to offer presentations in the following order:*
 - *Those supporting the application*
 - *Those opposing the application*
 - *Those with general concerns or comments*
 - *Presentations are limited to 5 minutes*

**DECLARATION OF POSTING OF AGENDA IN ACCORDANCE WITH
GOVERNMENT CODE SECTION 54954.2 - SECRETARY REPORT**

OPEN PUBLIC COMMENT PERIOD (5 MINUTES)

Now is the time for presentation from the public on items **NOT** appearing on the agenda that are within the Planning Commission's jurisdiction. Should your comments require Commission action, your request will be placed on the next appropriate agenda. No Commission discussion or action may be taken until your item appears on a future agenda. You may contact the Planning Division for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your comments to five (5) minutes.

MINUTES: February 24, 2009

PUBLIC HEARINGS:

- 1) **USE PERMIT AMENDMENT, UPA-00-02: LLAGAS-OLD MORGAN HILL ELEMENTARY SCHOOL:** A request to amend the conditional use permit relating to the operation of a private elementary school located at 410 Llagas Rd. The proposed amendment would allow the current enrollment limit of 130 students to increase by 70 students to a maximum enrollment of 200 students. The project site is zoned R-1 (7000) single family residential. (APN 764-32-006)

Recommendation: Re-Open Public Hearing/Adopt Resolution approving request.

OTHER BUSINESS:

- 2) **HIGH-SPEED TRAIN PROJECT LEVEL EIR/EIS SCOPING MEETINGS:** Information regarding the Notice of Preparation and Scoping Meetings for the project level Environmental Impact Report /Statement for the San Jose to Merced Section of the proposed High-Speed Train System.

Recommendation: Discussion

TENTATIVE AGENDA FOR THE MARCH 24, 2009 MEETING

- Amendment to Seismic Combining District Chapter 18.43 of the City of M.H. Municipal Code
- UP-09-02: San Pedro-T-Mobile
- General Plan Implementation Report

ANNOUNCEMENTS

CITY COUNCIL REPORTS

ADJOURNMENT

SPEAKER CARD

IN ACCORDANCE WITH GOVERNMENT CODE 54953.3, IT IS NOT A REQUIREMENT TO FILL OUT A SPEAKER CARD IN ORDER TO SPEAK TO THE PLANNING COMMISSION. HOWEVER, it is very helpful to the Commission if you would fill out the Speaker Card that is available on the counter in the Council Chambers. Please fill out the card and return it to the Deputy City Clerk. As your name is called by the Chairperson, please walk to the podium and speak directly into the microphone. Clearly state your name and address and proceed to comment upon the agenda item. Please limit your remarks to three (3) minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the Planning Commission agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or Hearing Impaired only - TDD 776-7381 to request accommodation.

NOTICE

NOTICE IS GIVEN pursuant to Government Code Section 65009, that any challenge of any of the above agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action taken by the Planning Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

NOTICE

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act that are distributed to a majority of the Planning Commission less than 72 hours prior to an open session, will be made available for public inspection at the Office of the City Clerk at Morgan Hill City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 at the same time that the public records are distributed or made available to the Planning Commission. (Pursuant to Government Code 54957.5)

DRAFT



COMMUNITY DEVELOPMENT DEPARTMENT

**17555 Peak Avenue Morgan Hill CA 95037 (408) 779-7247 Fax (408) 779-7236
Website Address: www.morgan-hill.ca.gov**

PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

FEBRUARY 24, 2009

PRESENT: Acevedo, Koepp-Baker, Escobar, Lyle, Moniz, Mueller, Tanda

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Planner (SP) Tolentino, Senior Civil Engineer (SCE) Creer, and Minutes Clerk Johnson.

Chair Koepp-Baker called the meeting to order at 7:00 p.m., inviting all present to join in reciting the pledge of allegiance to the U.S. flag.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Koepp-Baker opened the floor to public comment for matters not appearing on the agenda. Noting that no persons in attendance expressed a wish to address items not appearing on the agenda, the public hearing was closed.

CONSENT CALENDAR:

MINUTES:

**FEBRUARY 10,
2009**

**COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO APPROVE
THE FEBRUARY 10, 2009 MEETING MINUTES WITH THE FOLLOWING
CORRECTIONS:**

Page 6, paragraph 3:....away *the automatic 15 allotments*.... Has *previously*....
Allocations *and not started any*

Page 12, paragraph 2: Commissioner ~~Moniz~~ *Lyle* said, "It would be helpful to know the
typical parking requirements for a typical theater."

Page 16, paragraph 3 (motion): ~~CONSTRUCTION/RENOVATION~~
.....~~RETURNED TO THE TO~~....

PLANNING COMMISSION MEETING MINUTES
FEBRUARY 24, 2009
PAGE 2

THE MOTION PASSED (7-0-0-0) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, ESCOBAR, LYLE, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: MONIZ (agenda item 1 only); ABSENT: NONE.

**PUBLIC
HEARINGS:**

Commissioner Moniz was excused at 7:07 p.m. due to the potential for conflict of interest as he has represented some of the applicants who have an interest in items to be heard with this agenda item.

**1) FINAL
AWARD AND
DISTRIBUTION
OF THE RDCS
SMALL
PROJECT,
MULTI-FAMILY
RENTAL AND
OPEN MARKET
PROJECT
COMPETITIONS
FOR THE
FY 2010-2011
BUILDING
ALLOTMENT**

Item 1 PM Rowe gave the staff report, noting this matter had been continued from the February 10, 2009 Planning Commission meeting. PM Rowe then proceeded to provide an overview of the City Council policy for ongoing RDCS projects, and allowable exceptions to that policy. He then recounted the nuances of the various projects under discussion, and went on to detail the alternatives for South Valley Developers (MC-08-23) which staff had been directed to regard. Referencing the prepared Resolution, PM Rowe told the Commissioners the following allocations were recommended:

BUILDING ALLOCATIONS FOR THE 2008 RDCS COMPETITION

Fiscal Year 2010 – 2011		
MC-08-18: Monterey – Dynasty	68	
MC-08-24: W. Dunne – So. Valley Dev.	8	
MC-08-13: Clayton – O'Brien	5	
MC-08-17: E. Central – Sheng	17	
MC-08-16: Peet – Borello	23	
MC-08-22: Murphy – Pan Cal	24	
MC-08-23: E. Dunne – So Valley Dev.	12 18	**
Set-aside for On-going Projects		
MC-04-12: E. Dunne – Dempsey	15	
MC-04-21: Barrett – Syncon Homes	15	
MC-04-22: Jarvis – So. Valley Dev.	15 9	**
MC-04-26: Mission View – Mission Ranch	15	
Building allotment awarded to Micro Projects		
MMC-08-14: McLaughlin - Malech	4	
Total		

and for Fiscal Year 2011 and 2012:

MC-08-24: W. Dunne – So. Valley Dev.	6
MC-08-13: Clayton - O'Brien	2
MC-08-17: E. Central - Sheng	15
Total	23

**Noting the interest generated by the presentation of South Valley Developers to consider allocations for the MC-08-23 along Church and East Dunne Streets, PM Rowe outlined the transfers (6 allocations from MC-04-22) to that project.

Chair Koepp-Baker opened the public hearing.

Scott Schilling, 16060 Caputo Drive, #160, indicated agreement with the staff report and thanked staff for the hard work on this matter.

PLANNING COMMISSION MEETING MINUTES

FEBRUARY 24, 2009

PAGE 3

Commissioner Lyle asked if Mr. Schilling were satisfied that he could make the 'award work' by having the units committed along Dunne and Church? Mr. Schilling responded, "Yes, that makes the most sense from both a development and economic standpoint."

Vince Burgos, Development Process Consultants, asked the record to show that on page 3 of the staff report (Open Market Category/Peet-Borello) that the last sentence of the second paragraph refers only to the E.Main-Ahlin project, not the Borello project.

With no others in attendance indicating a wish to speak to the issue, the public hearing was closed.

CALLING ATTENTION TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, COMMISSIONER MUELLER OFFERED A RESOLUTION APPROVING THE DISTRIBUTION OF THE BUILDING ALLOTMENTS IN THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM MULTI-FAMILY RENTAL, SMALL PROJECT AND OPEN/MARKET COMPLETIONS FOR THE FISCAL YEAR 2010-11; AND RECOMMENDING A PARTIAL ALLOCATION FOR FISCAL YEAR 2011-12, AS WELL AS NOTING THE FOLLOWING CHANGES INDICATED DURING STAFF DISCUSSION:

MC-08-23: E. Dunne - So Valley Dev.	12 18
MC-04-22: Jarvis – So. Valley Dev.	15 9

(BOTH OF WHICH WERE REQUESTS BY THE DEVELOPER). COMMISSIONER ESCOBAR PROVIDED THE SECOND TO THE MOTION, WHICH CARRIED (6-0-0-1) WITH THE FOLLOWING VOTE: ACEVEDO, KOEPP-BAKER, ESCOBAR, LYLE, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: MONIZ.

Commissioner Moniz returned at 7:17 p.m. to be seated on the dais.

**2) DAA-07-02C/
DSA-07-18C:
CORY-HABITAT
FOR HUMANITY**

A request to amend the project development agreement and development schedule for the six unit project located on the east side of Cory Ave. approximately 80 ft. south of San Luis Way. The amendments would extend the commencement of construction dates and the development schedule dates by 12 months.

PM Rowe presented the staff report, giving the background:

- the project had received approvals in early 2008; however, neighborhood concerns regarding the project design had to be resolved, creating an added six months of processing time
- more recently, budget issues coupled with the slow down in the economy have caused difficulties
- now the Habitat of Silicon Valley group is working to obtain funding expected to become available

PM Rowe advised that staff recommends the prepared resolution, and calling attention to the need to delete the last paragraph of Exhibit A. Responding to a comment from Commissioner Lyle, PM Rowe acknowledged the date change/correction on page two of the staff report.

PLANNING COMMISSION MEETING MINUTES
FEBRUARY 24, 2009
PAGE 4

Chair Koepp-Baker opened the public hearing.

H.P. (Hector) Burgos, 17305 Monterey Rd., #205, was present to represent Habitat of Silicon Valley. Mr. Burgos provided an update of the efforts of the group at this site:

- civil engineering plans are into the City for final review
- landscaping plans in final review
- Conditions of Approval: minor architectural changes have been made
- fundraising for primary mortgage has been slow due to the economy and is not yet complete; looking for \$500K funding
- bonds and grant delayed by budget upheaval at the State level

Commissioner Mueller asked if the recipient family has been selected? Mr. Burgos replied, "No, we have identified some, but the final selection has not been made. We are now waiting for the formation of the HOA and do documents from the CA Department of Real Estate."

Disclosure: Commissioner Moniz has done volunteer work on this project, but confirmed with his Attorney that no conflict exists to prohibit him from voting on this item.

COMMISSIONER MUELLER OFFERED A RESOLUTION, INCLUSIVE OF THE FINDINGS AND CONDITIONS CONTAINED THEREIN, RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT AMENDMENT APPLICATION DAA-07-02C: CORY-HABITAT FOR HUMANITY FOR APPLICATION MP 01:06: SAN PEDRO-DiCONZA TO ALLOW FOR A 12 MONTH EXTENSION OF TIME FOR COMMENCEMENT OF CONSTRUCTION DATE FOR ALLOCATIONS AWARDED FOR THE FISCAL 2007-08. COMMISSIONER MONIZ SECONDED THE MOTION, WHICH PASSED (7-0) WITH THE FOLLOWING VOTE: ACEVEDO, KOEPP-BAKER, ESCOBAR, LYLE, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

COMMISSIONER MUELLER OFFERED A RESOLUTION, INCLUSIVE OF THE FINDINGS AND CONDITIONS CONTAINED THEREIN, APPROVING AN AMENDMENT TO THE DEVELOPMENT SCHEDULE FOR APPLICATION MP 91-06: SAN PEDRO-DiCONZA. NOTING THE NEED TO DELETE EXHIBIT A, PARAGRAPH 3RD <only>, COMMISSIONER MONIZ PROVIDED THE SECOND TO THE MOTION, WHICH PASSED (7-0) WITH THE FOLLOWING VOTE: ACEVEDO, KOEPP-BAKER, ESCOBAR, LYLE, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

**3) UPA-00-02:
LLAGAS-OLD
MORGAN HILL
ELEMENTARY
SCHOOL**

A request to amend the conditional use permit relating to the operation of a private elementary school located at 410 Llagas Rd. The proposed amendment would allow the current enrollment limit of 130 students to increase by 70 students to a maximum enrollment of 200 students. The project site is zoned R-1 (7000) single family residential.

PM Rowe gave the staff report, noting that this application is for an existing private school. He explained that Planning staff has not been able to complete the necessary processing and is requesting continuance to the March 10 Planning Commission meeting.

PLANNING COMMISSION MEETING MINUTES
FEBRUARY 24, 2009
PAGE 5

Disclosure: Chair Koepp-Baker had discussion (only) with a Principal at the school about a month ago.

Chair Koepp-Baker opened, and then closed, the public hearing as there were none in attendance to speak to the matter.

COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO CONTINUE THE MATTER OF UPA-00-02: LLAGAS-OLD MORGAN HILL ELEMENTARY SCHOOL TO THE MARCH 10, 2009 PLANNING COMMISSION MEETING IN ORDER TO PROVIDE ADEQUATE TIME FOR STAFF TO COMPLETE PROCESSING OF THE MATTER. THE MOTION PASSED (7-0) WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL THE COMMISSIONERS PRESENT; NONE WERE ABSENT.

As noted on the printed agenda, items 4 and 5 were considered concurrently.

**4) ZA-08-06:
CONDIT-KUBO**

The applicant is requesting approval of a zoning amendment to establish a precise development plan and planned development (PD) guidelines to allow future construction of three auto dealerships and the inclusion of an existing auto dealership (The Ford Store) in a PD area located between Condit Rd. and Highway 101, directly south of Diana Ave. The PD area is 25.86 acres in size and is zoned PUD, Planned Unit Development; car dealerships are currently permitted uses within the PD.

AND

**5) ZAA-98-16B:
CONDIT-
HORIZON
LAND/FORD
STORE**

The applicant is requesting approval to amend an existing precise development plan and PD guidelines for an area referred to as the Horizon Land PD, located between Condit Rd. and Highway 101, approximately 1,130 ft. south of Diana Ave. The purpose of the amendment is to exclude The Ford Store dealership from the Horizon Land PD so that it may be included in an adjacent PD area proposed specifically for auto dealerships.

SP Tolentino gave the staff report, explaining the history of how both PD areas were established. Explaining the detail of this two-part request further, SP Tolentino said, "The action being requested is to: 1) amend the development plan and PD guidelines for the Horizon Land PD to exclude the existing Ford Store dealership, and 2) establish a development plan and PD guidelines for a proposed Auto Park PD, which would include the existing Ford Store and allow future construction of three additional dealerships. SP Tolentino said the applicant has provided information that this model is consistent with other existing dealerships in Northern California.

Regarding the Auto Park PD, SP Tolentino highlighted features of the plan:

- cross circulation between the four dealerships
- ingress/egress to be shared
- PD guidelines specific to auto dealerships

SP Tolentino also referenced the revision to the proposed resolution for the Horizon Land PD which was distributed at this meeting:

- page 8: correction to item 62 (regarding truck deliveries)
- revision to title

Chair Koepp-Baker opened the public hearing.

Vince Burgos, Development Processing Service, addressed the Commissioners, saying he had been working with staff on the application, as well as with the applicant.

Mr. Burgos reiterated the intent of the request: moving the Ford Dealership from one Planned Development to another as the Ford Store is 'looking at expanding with more dealerships in one PD'. Mr. Burgos acknowledged that Tim Paulus is still with this project, and is "Looking to be ready when the market improves."

Commissioner Lyle noted there was a question as to whether this design represents the 'state of the art' for auto dealerships, and asked "What is that?" Mr. Burgos replied, "How the buildings are designed and function. For example, the older dealerships function with sales at the front and service at the rear. The proposed concept presents the dealership differently – the functions will be more complete for new and existing auto owners. There may be more interaction between the different dealerships as well."

Commissioner Lyle asked, "Why is this request coming forward now as we've been hearing that the number of dealerships will most likely be substantially reduced." Mr. Burgos responded, "Yes, that is true. But the property owner is now telling us that he believes the state of the art dealership planning is essential."

Commissioner Mueller commented, "The whole industry <auto> is in a state of flux now. I perceive the applicant wants to be sure what will be built reflects more modern approaches to selling cars and not look backward." Commissioner Mueller expressed concern the project layout represents the old way of designing auto dealerships.

Mr. Burgos reiterated that the owner is not focusing on product but how the building works internally, as he repeated the focus of 'all in the lobby' for the buyer. "Right now," he said, "we can't anticipate changes for the future."

Commissioner Lyle led discussion of freeway signage. Mr. Burgos said the applicant 'wants to move ahead with the sign as described in the staff report'. Asked by Commissioner Lyle if the applicant would be agreeable to installing the freeway sign only after a second dealership was established in the PD, Mr. Burgos indicated that would not create a problem.

With no others in the audience indicating a wish to speak to the matter, the public hearing was closed.

COMMISSIONER MUELLER said, "I'm prepared to move forward", and then **OFFERED A RESOLUTION RECOMMENDING APPROVAL OF A ZONING AMENDMENT TO ESTABLISH A DEVELOPMENT PLAN AND GUIDELINES FOR A PLANNED DEVELOPMENT DISTRICT ON A 25.92-ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF CONDOT ROAD AND DIANA AVENUE TO ALLOW FOR THE CONSTRUCTION OF THREE NEW AUTO DEALERSHIPS AND ONE EXISTING DEALERSHIP, WITH THE MODIFICATIONS SO NOTED:**

- A map of the approved, designated test driving route shall be included in the Sales Employee Handbooks for all dealerships located within the Auto Park PD.

- The freeway sign shall not be installed until after a second dealership is established within the Auto Park PD.

NOTING THE FINDINGS AND CONDITIONS CONTAINED WITHIN THE RESOLUTION, COMMISSIONER ESCOBAR PROVIDED THE SECOND, AND NOTED THAT THE DISTRIBUTED REVISED RESOLUTION WAS BEING DISCUSSED. THE MOTION PASSED (7-0) BY THE FOLLOWING VOTE: ACEVEDO, KOEPP-BAKER, ESCOBAR, LYLE, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING APPROVAL TO AMEND THE DEVELOPMENT PLAN AND GUIDELINES FOR THE HORIZON LAND PD LOCATED AT THE NORTHEAST QUADRANT OF E. DUNNE AVE. AND HWY 101 TO EXCLUDE THE FORD STORE DEALERSHIP SITE, INCLUSIVE OF THE FINDINGS AND CONDITIONS CONTAINED THEREIN, TOGETHER WITH THE CHANGES TO PAGE 8 PROVIDED AT THE ONSET OF THE MEETING. COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH PASSED (7-0) WITH THE FOLLOWING VOTE: ACEVEDO, KOEPP-BAKER, ESCOBAR, LYLE, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

**6) UP-09-01:
MONTEREY-
CITY OF MH
PARKING LOT**

The Morgan Hill Public Works Department is requesting approval of a conditional use permit to construct and operate an interim public parking lot on a 0.26-acre site located at 17270 Monterey Rd. in the CC-R, Central Commercial-Residential Zoning District.

SP Tolentino presented the staff report, explaining the required findings* for a Conditional Use Permit (CUP) at the site proposed (0.26 acres). This proposal, she said, will provide a surface parking lot of 13 spaces during construction activity in the downtown area including on Third Street.

- *site suitability – relatively level lot; contains three trees, one of which will be retained; proximity to future construction areas; and opportunity to connect with existing parking lot
- *circulation – no adverse effects anticipated; connects with existing parking lot
- *general welfare – project will most likely benefit area businesses by providing parking during construction activity
- *design compatibility - 13 parking spaces, new lights (similar to others downtown), on-site detention, and minimal landscaping

Commissioner Lyle asked about the depth of the detention and if there would be a barrier of some type around it, as he indicated, “It is very near the sidewalk.” SP Tolentino said, “The design is for it to be shallow enough whereby no fencing is required.”

SCE Creer joined the meeting at the request of the Chair.

Commissioner Moniz called attention to page 3 of the staff report, asking if crushed granite had been explored? He noted that the Granary project had a portion of the parking lot covered with crushed granite.

SP Tolentino reminded the Commission that the City looked into the use of permeable pavement at the interim parking lot on Depot. It was determined the thick clay layer in

PLANNING COMMISSION MEETING MINUTES

FEBRUARY 24, 2009

PAGE 8

the area precluded the site from being a suitable candidate for permeable pavement. Based on soil samples collected near the current project site, the Monterey interim parking lot was also determined to be unsuitable for permeable pavement.

Commissioner Moniz asked if there was plan for placing concrete curb work? SCE Creer responded, "We could use AC curb materials, but there is a tendency for that to deteriorate in hot weather." He then addressed the usefulness of putting other substances as an alternate in the bid."

Commissioner Lyle led discussion of the presented budget items,

- contingency amount (10%)
- cost of decorative streetlights
- maintenance cost of different types of lights

Chair Koepp-Baker remarked that the staff report seems to limit the time period for placement of the parking lot to three years. "If the downtown takes longer than three years why that limit?" she asked.

SP Tolentino called attention that the Code definition for 'interim' is three years. "You can amend the Use Permit, but our hope is that at the end of three years the City will be able to move ahead with plans on this and adjacent properties. Chair Koepp-Baker continued, "Can we remove that limit or modify it to state, 'no less than XX years or up to XX years?"

SP Tolentino advised, "It could be extended to 5 years or you could include a provision for a one-time automatic extension."

Chair Koepp-Baker remarked, "Planning staff is squeezed down now with an increased workload and I just want to be able to make things better and easier for you and us."

Commissioner Tanda asked for an update on the effectiveness of the existing speed humps near the project site. SCE Creer responded there had not been recent discussion, but when the Monterey Road <possible> reconfiguration is visited, the speed humps would be considered. Commissioner Tanda said, "It will be important to have discussion/analysis of slowing/claming traffic for pedestrian crossings in the downtown."

Commissioner Mueller expressed the belief that the parking lot project may well extend beyond three years. "Since the adjacent property is not being developed, it would have been nice to have an L-shaped parking lot connecting to the RDA property on Fourth Street so that vehicles could exit onto Fourth". Commissioner Mueller continued, "It would have been better to add parking even if multiple owners were involved. SCE Creer responded, "We are not precluded from having that happen, but we need to get parking down for the Third Street promenade construction."

Chair Koepp-Baker opened, and then closed, the public hearing, having determined there were no persons present to speak to the matter.

Responding to questions from the Commissioners, PM Rowe clarified that under the Municipal Code, the Commissioners could include language which could provide for an automatic extension if circumstances were still valid. Commissioner Acevedo asked if an

PLANNING COMMISSION MEETING MINUTES
FEBRUARY 24, 2009
PAGE 9

Administrative Review would be appropriate? Commissioner Lyle cautioned against an Administrative Review with the City being the applicant.

COMMISSIONER MUELLER OFFERED A RESOLUTION, INCLUDING THE FINDINGS AND CONDITIONS CONTAINED THEREIN, RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE AN INTERIM PUBLIC PARKING LOT ON A 0.26-ACRE SITE LOCATED AT 17270 MONTEREY ROAD IN THE CC-R, CENTRAL COMMERCIAL-RESIDENTIAL ZONING DISTRICT; AND ADDING SECTION 4c:

A one time, two-year extension of the use permit approval may be granted administratively provided the following apply: the parking lot is still needed to serve the downtown area; the project is in compliance with the original conditions of approval; and an informational report is presented to the Planning Commission before an administrative extension is granted to provide the Commission an opportunity to discuss any concerns regarding an extension.

COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH PASSED (7-0) WITH THE FOLLOWING VOTE: ACEVEDO, KOEPP-BAKER, ESCOBAR, LYLE, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

ANNOUNCEMENTS PM Rowe advised of the necessity to commence the subcommittee meetings for the RDSCS criteria review. Following brief discussion, it was decided that the meetings will be on Thursday afternoons at 4:00 p.m. for a two hour block. Having determined that most of the subcommittee members would attend, Chair Koepp-Baker announced that the subcommittee will meet weekly for 4 – 6 weeks starting ‘next Thursday’.

CITY COUNCIL REPORTS: None

ADJOURNMENT: With no further business to be completed at this evening’s meeting, Chair Koepp-Baker adjourned the meeting at 7:58 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk



MEMORANDUM

To: PLANNING COMMISSION

Date: March 10, 2009

From: COMMUNITY DEVELOPMENT DEPARTMENT

Subject: USE PERMIT AMENDMENT, UPA-00-02: LLAGAS – OLD MORGAN HILL ELEMENTARY SCHOOL

REQUEST

A request to amend the conditional use permit relating to the operation of a private elementary school located at 410 Llagas Rd. The proposed amendment would allow the current enrollment limit of 130 students to increase by 70 students to a maximum enrollment of 200 students. The school currently operates under the name "Carden Academy."

RECOMMENDATION

1. Re-Open/Close the Public Hearing
2. Adopt Resolution amending the Conditional Use Permit under application UP-00-02.

BACKGROUND

In June 2000, the Planning Commission approved a conditional use permit to allow relocation of the former Morgan Hill Elementary School from the site of the current Community and Cultural Center to a 2.55 acre parcel at 410 Llagas Road, west of the Hale and Llagas intersection. After the school building restoration and site improvements were completed, a private elementary school, Carden Academy, open for business. The private elementary school has operated for the past 7 years.

The following are the conditions relating to operation of the school:

1. The drop-off/pick-up process shall be reviewed on an annual basis. Should problems or congestion occur on or off-site, the use permit shall be brought back for Planning Commission

review. Alternatives such as those suggested by the traffic study may be required at the school's expense to address the reported problems.

2. The use of the outdoor play ground and fields shall be restricted to between 8:30 a.m. and 6:00 p.m.
3. The school use shall be conducted as described in the Statement of Operations on file with the Community Development Department. (Attached)
4. Public access and use of the Private School Facilities shall be allowed as stipulated in the separate loan agreement between the applicant (property owner) and the Morgan Hill Redevelopment Agency on file with the City.
5. Arrival times at the start and end of each school day shall be staggered so as not to exceed the queuing capacity on site for vehicles arriving to drop off or pick up students.
6. Student enrollment for the first school year shall be limited to 130 students. Enrollment of up to 200 students may be permitted in the second school year following completion of amended/updated Traffic Report and implementation of any traffic mitigation measures identified in the amended traffic report. Student enrollment beyond 200 students shall require an amendment to the Conditional Use Permit.
7. Applicant shall inform parents and others to use Llagas Road and Hale Avenue only as the access roads to the school site. The purpose of this condition is to avoid impacting local residential streets, specifically Via Loma and Murphy Springs Drive that might otherwise be used as a bypass route from Hale Avenue to the school.
8. Provide adequate on-site parking for special events such as open house, graduation ceremony and sports events. This can include using paved recreational areas on site for overflow parking.

PROJECT ASSESSMENT

As noted in item #6 above, the conditional use permit allows up to 200 students to be enrolled at the school but limited enrollment for the first year at 130 students. The enrollment restriction was due in part to address concerns of nearby residents regarding the potential for traffic congestion on adjacent local streets, especially during morning student drop-off and afternoon pick ups. To further address the traffic concerns, item #7 above added to the use permit requiring parents and others to use Llagas Road and Hale Avenue only as the access roads to the school site.

In the more than 7 years that Carden Academy has operated a school at this site, only one occasion in 2006 was a complaint received regarding the operation of the school. The complaint was from a resident in the Murphy Springs neighborhood across Llagas Road to the north and concerns items 7 and 8 above. Specifically, parents were not restricting their ingress and egress

to the school site from Llagas Road and Hale Avenue and are using Via Loma to Murphy Springs Drive to Llagas Road to bypass the traffic signal at Hale and Llagas. Another complaint was that the school was not providing adequate on-site parking for special events, specifically that the paved recreational area (black top) on site was not being opened up for additional parking during these events. As a consequence, visitors were illegally parking on Llagas Road in areas that are posted or red curbed for no parking or are parking on Murphy Springs Drive. The City notified the School Principal of the nature of the complaint and specifically the restrictions and requirement under items 7 and 8 of the conditional use permit. Over the past three years, no new complaints have been received regarding the school operations.

During the entire time the school has operated, no complaints have been received regarding traffic congestion on the arterial streets serving the school site (Hale Avenue and Llagas Road). The Traffic Study completed with the use permit application in 2000 concluded that the school with an enrollment of 200 students had a less-than-significant impact on the nearby study intersections. Under General Plan build out, the Hale and Wright intersection will require signalization to maintain a LOS C standard.

AMENDMENT REQUEST

Since Carden Academy has operated the school, enrollment has been limited to 130 students therefore no subsequent amended/updated traffic report has been prepared. The owners of the school, Llagas Valley Investment, LLC, is requesting an amendment to the current use permit to allow enrollment of up to 200 students as permitted in the CUP without having to amend or update the prior Traffic Study. The cost of having to prepare a new traffic report, estimated at \$27,000 is one of the reasons. The other reason as noted in the attached letter of request is that to date, the private school's operation has not caused any problems with the neighborhood (other than the one complaint in 2006) nor have there been any problems associated with traffic impact in the area because of the school's operation even though there has been increase in housing within the neighborhood over the past 9 years. When the CUP was approved in 2000, the Planning Commission, responding to neighborhood concerns regarding potential traffic impacts, was caucus in its approval and imposed an enrollment restriction in the first year and requirement for an amended/updated traffic report.

At the time the use permit was approved, it was uncertain how a new private elementary school at the project location would impact the neighborhood, particularly during drop-off and pick-up times. The proposed drop-off/pick-up lane on-site was reviewed to determine if adequate storage would be provided to serve the projected queuing. During the morning drop-off period, the traffic study estimated that 20 percent of the 133 vehicles associated with students during the AM peak hour would arrive during the peak 5-minute period. It was further estimated that an average unloading time of 45 to 60 seconds would be needed to accommodate students exiting vehicles. Based on these assumptions, a storage length of 100 to 140 feet would be required to serve the drop-off queue. The existing drop-off lane is in excess of 160 feet and based on actual school operations, has been adequate to serve the actual drop-off queues.

During the after-school pick-up period, because of after school activities, the number of vehicles arriving to pick-up student is dispersed over a longer period of time. Therefore the queue in the drop-off/pick-up lane was found to be no greater than the morning drop-off period.

Staff supports the applicant's request to eliminate the requirement for an amended/updated traffic study and allow student enrollment not to exceed 200 students. Item #1 above still requires the drop-off/pick-up process to be reviewed on an annual basis. Should problems or congestion occur on or off-site, the use permit shall be brought back for Planning Commission review. Alternatives such as those suggested by the original traffic study may be required at the school's expense to address the reported problems. Upon this review, the Planning Commission could also require a new traffic study to address the reported problems associated with the increased enrollment.

Attachments:

1. Resolution amending UP-00-02
2. Site Plan/Vicinity Map
3. Applicant's letter of request
4. Original Approval Resolution No. 00-41
5. Approved Mitigation Measures and Monitoring Program

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT TO ALLOW THE CURRENT ENROLLMENT LIMIT OF 130 STUDENTS TO INCREASE BY 70 STUDENTS TO A MAXIMUM OF 200 STUDENTS FOR A PRIVATE ELEMENTARY SCHOOL LOCATED AT 410 LLAGAS ROAD (APN 764-32-006)

WHEREAS, such request was considered by the Planning Commission at their regular meeting of March 10, 2009, at which time the Planning Commission approved application UPA-00-02: Llagas – Old Morgan Hill Elementary School (Carden Academy); and

WHEREAS, testimony received at a duly noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES
RESOLVE AS FOLLOWS:**

SECTION 1. The proposed use permit request is consistent with the Zoning Ordinance and the General Plan.

SECTION 2. An environmental initial study has been prepared for the project application and was been found complete, correct and in substantial compliance with the requirements of California Environmental Quality Act. Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been added to the project, and, therefore, a mitigated Negative Declaration was adopted.

SECTION 3. The approved conditional use has been found consistent with the criteria for use permit approval contained in Section 18.54.050 of the Municipal Code.

SECTION 4. The approved project shall be subject to the following amended conditions:

1. Use Approved. The Conditional Use Permit is approved solely for the operation of a 16,700 square foot private educational facility located at 410 Llagas Road. Any future expansions or intensification of the use shall be permitted only upon modification of this Conditional Use Permit approval or approval under a separate Use Permit Application.
2. Operation. The use shall be conducted as described in the Letter of Justification/Statement of Proposed Operations dated January 6, 2000 on file with the Community Development Department with the following amendment:
 - A. The drop-off/pick-up process shall be reviewed on an annual basis. Should problems or congestion occur on or off-site, the use permit shall be brought back for

Planning Commission review. Alternatives such as those suggested by the traffic study may be required at the school's expense to address the reported problems. Alternately, the Planning Commission may require a new traffic study to address the associated problems associated with the drop-off/pick-up process or reported problems associated with the increased enrollment.

B. The use of the outdoor play ground and fields shall be restricted to between 8:30 a.m. and 6:00 p.m.

C. The school use shall be conducted as described in the Statement of Operations on file with the Community Development Department. (Attached)

D. Public access and use of the Private School Facilities shall be allowed as stipulated in the separate loan agreement between the applicant (property owner) and the Morgan Hill Redevelopment Agency on file with the City.

E. Arrival times at the start and end of each school day shall be staggered so as not to exceed the queuing capacity on site for vehicles arriving to drop off or pick up students.

F. ~~Student enrollment for the first school year shall be limited to 130 students. Enrollment of up to 200 students may be permitted in the second school year following completion of amended/updated Traffic Report and implementation of any traffic mitigation measures identified in the amended traffic report.~~ Student enrollment beyond 200 students shall require an amendment to the Conditional Use Permit.

G. Applicant shall inform parents and others to use Llagas Road and Hale Avenue only as the access roads to the school site. The purpose of this condition is to avoid impacting local residential streets, specifically Via Loma and Murphy Springs Drive that might otherwise be used as a bypass route from Hale Avenue to the school.

F. Provide adequate on-site parking for special events such as open house, graduation ceremony and sports events. This can include using paved recreational areas on site for overflow parking.

3. The approved project shall be subject to the conditions as identified in the set of standard conditions attached as exhibit "A" to Planning Commission Resolution No. 00-41 and by this reference incorporated herein except as amended herewith.

PASSED AND ADOPTED THIS 10th DAY OF MARCH 2009, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

SUSAN KOEPP-BAKER, Chair

A F F I D A V I T

I _____, applicant, hereby agree to accept and abide by the terms and conditions specified in this resolution.

_____, Applicant

Date: _____

LLAGAS VALLEY INVESTMENT, llc

FEB 3 0 2009

P O Box 1265, Morgan Hill, CA 95038

CITY OF MORGAN HILL

January 28, 2009

City of Morgan Hill
175555 peak Avenue
Morgan Hill, CA 95037

Subject CUP UP-00-02 Amendment
410 Llagas Road, Morgan Hill
Private Elementary School

Attention: Jim Rowe, Senior Planner
Planning Department

Dear Mr. Rowe:

This letter shall serve as our request for a minor amendment to the Conditional Use Permit currently approved for the above subject property. In 2000, the Planning Commission approved a CUP for the subject property which the property owner and business operator have consistently managed and maintained.

All identified conditions of the CUP have been met with no problems arising thru the 9 years the private school has been in operation. The enrolment has consistently been around 130 students with most of the student population hailing from the Morgan Hill Community.

Although the original CUP was developed for a student population of 200 students the Planning Commission's approval restricted the student population to 130 students during the first year of operation and allowed for an increase to 200 students in the second year subject to the applicant completing a revised traffic study to address the impacts on local streets.

To date, the private school's operation has not caused any problems within the neighborhood nor have there been any problems associated with traffic impacts in the area because of the school's operation even though there has been a substantial increase in housing within the neighborhood over the past 9 years.

Therefore we respectfully request the condition to prepare a revised traffic study to allow for a student population of 200 students be eliminated from this permit.

Should the student enrolment be increase beyond 200 students then perhaps that would be a more appropriate time to require an amended Traffic Study be prepared for the project.

Should you have any questions, please contact me at 847-8197.

Sincerely,



Gloria Pariseau
Project Manager

Carden Academy Morgan Hill, Inc.

January 6, 2000

Mr. J. L. Di Salvo
P.O. Box 6947
San Jose, Ca 95150-6947

PLANNING DEPT.

FEB 15 2000

CITY OF MORGAN HILL

Dear Mr. J.L. Di Salvo

In response to your request that we provide a statement of proposed operations for the use of the rehabilitated Historic Morgan Hill Elementary School, to be situated at the corner of Llagas and Hale, we submit the following. Please use as needed for the request for a conditional use permit with the city of Morgan Hill.

Carden Academy-Morgan Hill, Inc, is a private elementary school for grades kindergarten through eighth grades. We propose to use the Historic Morgan Hill Elementary School, which has received approval to be relocated at the corner of Llagas and Hale for that purpose.

Our school is in session five days a week, Monday through Friday. Classes run from 8:30 AM to 3:30 PM. We do provide extended daycare for our own families beginning at 7:00 AM and ending at 6:30 PM.

At the maximum, we may have thirty-five to forty employees, some of which are part time.

The majority of our students arrive at school by means of carpools and depart by the same means. We would anticipate the number of daily trips not to exceed 150 twice a day.

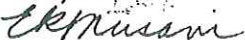
The equipment used in our schools are standard for schools: computers, overhead projector, one television with VCR, copier, fax machine, postage meter, and physical education equipment such as balls, bats, hockey and La Crosse sticks, etc.

We use standard janitorial cleaning materials and toner for our copier. There would be no other hazardous materials.

There would be a future playground with the usual playground equipment. Traffic would be staggered throughout the day as students begin arriving between 7:00 AM and 8:00 AM and leave between 3:30 PM and 6:30 PM. I trust this will suffice as our statement of proposed operations.

Sincerely,

Evelyn Musavi



Gayanne Beckham



RESOLUTION NO. 00-41

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR A 16,700 SQ. FT. PRIVATE SCHOOL FACILITY ON A 2.55 ACRE PARCEL LOCATED ON THE SOUTH SIDE OF LLAGAS RD., 80 FT. WEST OF THE LLAGAS RD./HALE AVE. INTERSECTION. (APN764-32-06).

WHEREAS, such request was considered by the Planning Commission at their meeting of June 27, 2000, at which time the Planning Commission approved application UP 00-02: Llagas Rd.- Carden Academy; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

- SECTION 1. The approved project is consistent with the Zoning Ordinance and the General Plan.
- SECTION 2. The approved conditional use has been found consistent with the criteria for use permit approval contained in Section 18.54.050 of the Zoning Code.
- SECTION 3. The approved project shall be subject to the conditions as identified in the set of standard conditions attached hereto, as exhibit "A", and by this reference incorporated herein.

PASSED AND ADOPTED THIS 27th DAY OF JUNE, 2000 AT A SPECIAL MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES:	COMMISSIONERS:	Kennett, Lyle, Mueller, Sullivan
NOES:	COMMISSIONERS:	None
ABSTAIN:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	McMahon, Pinion, Ridner

PLANNING DEPT.

SEP 07 2000

CITY OF MORGAN HILL

RESOLUTION NO. 00-41

PAGE - 2 -

ATTEST:

Frances Smith
FRANCES SMITH,
Administrative Secretary

APPROVED:

Yarmila Kennett
YARMILA KENNETT, Chairwoman

AFFIDAVIT

I, Evelyn K. Musavi, applicant, hereby agree to accept and abide
(print or type name)
by the terms and conditions specified in this Resolution.

Evelyn K. Musavi
(signature, applicant)

Sept. 8, 2000
Date

APPLICATION: WFOC · OZ · L.Leggs · Carlen Academy

THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE ISSUANCE OF BUILDING AND/OR SITE DEVELOPMENT PERMITS EXCEPT AS OTHERWISE SPECIFIED IN THE CONDITIONS. APPROVAL REQUIREMENTS ARE NOT LIMITED TO THE ITEMS LISTED BELOW AND NOT ALL OF THE STANDARD CONDITIONS ARE APPLICABLE TO THE SITE OF A SPECIFIC PLANNING APPLICATION.

THOSE CONDITIONS MARKED BY AN "X" ARE APPLICABLE TO THE PROJECT APPLICATION REFERENCED ABOVE.

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

A. TIME LIMITS

1. The Site and Architectural approval granted under this Resolution shall remain in effect for one year to _____ failure to obtain building permits within this term shall result in termination of approval unless an extension of time is granted with a showing of just cause prior to expiration date. (MEMC 18.74.250)
2. The Tentative Subdivision/Parcel Map approval granted under this Resolution shall remain in effect for two years to _____ 199 ____ Failure to apply for Final Map approval with the City Engineer within this term shall result in expiration of approval unless an extension of time is granted by the Community Development Department (parcel map)/Planning Commission (tentative map) prior to the expiration date. (MEMC 17.20.170; 17.24.110)
3. The Conditional Use Permit approval granted under this Resolution shall remain in effect for ~~twelve~~ (15) months to October 1, 2001. Failure to commence the use within this term shall result in termination of approval unless an extension of time is granted with a showing of just cause prior to the expiration date. (MEMC 18.54.070 A)
4. In accordance with Section 18.54.090 of the Municipal Code, the Community Development Department shall conduct an annual review of the approved use for compliance with specified conditions. The Department may initiate corrective action as specified in the aforementioned Code Section if necessary to ensure compliance with said conditions. (MEMC 18.54.090)

B. SITE DEVELOPMENT

1. Prior to on-site grading, the applicant shall enter into an agreement with the City of Morgan Hill for consultant services. The City shall retain the services of a professional arborist to evaluate the condition of any on-site specimen tree(s) affected by construction activity, and recommend appropriate written specifications which will preserve such trees during and after construction. The City shall provide copies of said written specifications to the applicant, who shall assume responsibility for implementing all recommended actions contained in that document.
2. The applicant shall provide a set of Covenants, Conditions and Restrictions, Bylaws and Articles of Incorporation, for review and approval by the City Attorney prior to final occupancy or reoordation of the final map.
3. Final site development plans shall be reviewed and approved by the Community Development Department prior to issuance of a building permit. All such plans shall include:
 - a) Detail depicting all concrete curbs as full formed.
 - b) Provision of catalogue drawings depicting the proposed parking area lighting fixtures. Exterior lighting of the building and site shall be designed so that lighting is not directed onto adjacent properties and light source is shielded from direct off-site viewing. (MEMC 18.74.370)
 - c) Ramps, special parking spaces, signing and other physical features for the disabled, shall be provided throughout the site for all publicly used facilities. (MEMC 18.50.110; 18.74.470)
 - d) Trash enclosures shall be constructed of a sturdy, opaque material, minimum 6 feet in height with solid view obstructing gates and shall be designed in harmony with the architecture of the building(s). In residential areas, trash enclosure areas shall require an overhead shade structure. Trash enclosures shall be required in all commercial and industrial projects and in residential projects containing four or more dwelling units. (MEMC 18.74.505)
 - e) All mechanical equipment, including electrical and gas meters, post indicator

STANDARD CONDITIONS

Page - 3 -

valve, backflow prevention devices, etc., shall be architecturally screened from view or located interior to the building. All ground mounted utility appurtenances such as transformers shall not be visible from any public right-of-way and shall be adequately screened through the use or combination of concrete or masonry walls, berms, and landscaping. (MEMC 18.74.320)

- 5. Recordation of a final map shall be in accordance with the number of building allotments granted through the Residential Development Control System (RDCS) for this project. Should a portion of the project's building allotment expire prior to final map approval, the number of lots on the final map shall be reduced to correspond to the remaining allotment. (MEMC 18.78.020)
- 6. Prior to recordation of the final map, the owner shall submit to the Community Development Director for his approval, a management plan detailing strategies for control of noise, dust and vibration, and storage of hazardous materials during construction of the project. The intent of this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties.
- 7. Street names, private or otherwise, used to identify building locations shall be submitted to the Planning Division for approval.

C. BUILDING DESIGN

- 1. All roof mounted mechanical equipment shall be placed within a screened rooftop enclosure depicted on the elevation drawings or located below the parapet level. Cross section roof drawings shall be provided at the building permit stage indicating the relative height of the screen wall or parapet. (MEMC 18.74.320)
- 2. All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior. (MEMC 18.74.360)
- 3. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building. (MEMC 18.74.340)

D. PARKING & VEHICULAR ACCESS

- 1. The interior of any parking area shall be landscaped with planter areas measuring a minimum five feet in width, minimum inside dimension. Additional planters shall be provided at both ends of a row of spaces with the planter area length equal to the

STANDARD CONDITIONS

Page - 4 -

adjoining parking spaces. Such planters shall contain an 18" walk adjacent to parking stall (including curb width). (MEMC 18.74.550 C)

- 2. Textured pedestrian pathways across circulation aisles shall be provided throughout the development to connect dwellings or commercial/industrial buildings with parking areas, open spaces and recreational uses.
- 3. All units shall be provided with automatic garage door openers if driveway is less than 18 feet in depth from back of sidewalk.
- 4. Prior to final map approval or issuance of a building permit, the owner shall record an appropriate deed restriction and covenant running with the land subject to review and approval by the City Attorney for reciprocal ingress/egress easements along the common driveway.

E. LANDSCAPING

- 1. The applicant shall enter into a two-year landscape maintenance agreement effective upon acceptance of landscaping improvements and provide an appropriate bond as required by Section 18.74.560(d) of the Design Review Ordinance. Bond amount shall be based on the assigned value of \$2.50 per square foot of area of planting and irrigation improvements. (MEMC 18.74.560) *OK - 3/20/00*
- 2. Detailed landscape planting and irrigation working drawings shall be submitted to the Community Development Department for approval prior to issuance of building permits. Landscape plans for streets and landscape easements shall be part of the improvement plan submittal.
- 3. Special landscape features such as mounding, field stones, specimen size trees, meandering sidewalks and landscaping, minimum feet in width, shall be required along .
- 4. Landscaping and irrigation systems required to be installed in the public right-of-way on the perimeter of this tract area shall be continuously maintained by the ~~Homeowner's Association~~ *owner* as part of the common area improvements unless accepted by the City or annexed into a Community Facilities District.
- 5. All trees within approved landscape plans shall be of a minimum fifteen gallon size. All shrubs shall be minimum 5 gallon size unless otherwise approved by the Community Development Director.
- 6. A soils report shall be provided with landscape plan at the building permit stage indicating agricultural suitability and soil fertility.

STANDARD CONDITIONS
Page - 5 -

7. The balance of a building site not developed as part of this project approval shall be placed in landscaping acceptable to the Planning Division.
8. A note shall be placed on the final map which shall indicate that lot(s) _____ shall be used for no purpose other than for on-site storm drainage facilities and recreational amenities. All proposed trails, private open space and associated facilities shall be permanently secured with appropriate documentation [i.e., Deeds, Easements; Covenants, Conditions and Restrictions (CC&Rs), Dedication, Homeowners Association; etc.).

F. SIGNS

1. The applicants shall obtain Planning Division approval of a sign program prior to issuance of building permits. The terms of said sign program shall be included as a disclosure in all future leasing agreements affecting this parcel.
2. The signs indicated on the plan set drawings are not approved with the subject site review application. Signs proposed for this development shall be designed in conformance with the Sign Ordinance and shall require separate application and approval by the Planning Division prior to installation of any signs.
3. Directory monument sign(s) and location map(s) shall be provided for apartment, condominium, or townhouse projects prior to occupancy. Directory signs may also be provided for any multi-tenant commercial or industrial building. Location of the sign(s) shall be interior to the project and design of the directory sign(s) shall be approved by the Planning Division and Fire Department prior to issuance of building permits.

G. OTHER CONDITIONS

1. It is recognized that the subject structure is proposed as speculative and the ultimate use is unknown at this time. Future commercial/industrial users of this site are subject to the City's commercial/industrial performance standards and may require use permit approval.
2. The applicant for land use approval has received notice that the issuance of a building permit to implement such land use action may be suspended, conditioned or denied where the City Council has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of Morgan Hill or to meet discharge standards imposed by the California Regional Water Quality Control Board.

STANDARD CONDITIONS
Page - 6 -

3. The City of Morgan Hill currently may not have the sewage treatment capacity necessary to serve this project. Building permit issuance will not be allowed until and unless sewer capacity has been obtained for the project.
4. Prior to development of the subject property, the applicant shall follow the recommendations of the Norwest Information Center, Sonoma State University, regarding the investigation of potentially-significant archeological resources on the site, and shall follow recommended actions for the preservation and protection of any resources discovered during such investigation before and during construction activity.
5. Prior to approval of a final map, the City shall examine the feasibility and appropriateness of establishing Community Facilities (Mello-Roos) District as a means of meeting existing and projected school facility needs and funding shortfalls. If a Mello-Roos district does not represent a feasible way of mitigating school impacts for the development, the School District shall prepare possible mitigation measures to offset project effects on education services. The type of mitigation required by the District of an applicant shall be directly tied to the project's level of impact and specific deficiencies in the schools affected by the project. Should the applicant and School District be unable to reach agreement on appropriate mitigation, the matter shall be returned to the Planning Commission for a final decision prior to recordation of the final map (subdivision) or issuance of building permits (other residential projects).
6. Defense and indemnity. Applicant agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, injuries, costs and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed against City by reason of its approval of applicant's project. In addition, developer shall pay all pre-tender litigation costs incurred on behalf of the City including City's attorney's fees and all other litigation costs and expenses, including expert witnesses, required to defend against any lawsuit brought as a result of City's approval or approvals, but shall not be required to pay any litigation from the City. However, developer shall continue to pay reasonable internal City administrative costs, including but not limited to staff time and expense spent on the litigation, after tender is accepted.
7. Submit two (2) signed copies of Resolution No. CO-41 to the Planning Division prior to issuance of building permits.
8. Prior to approval of the final map (or issuance of a building permit where no map is required), the property owner shall submit to the Planning Division two (2) signed notarized copies of the Development Agreement for the proposed project.

HOUSING DIVISION

H. GENERAL REQUIREMENTS

1. Relocation assistance in the form of a list of available rental units of similar price and in the same general area shall be provided each tenant, together with a relocation allowance equal to three (3) months rent at the tenant's rate in effect at the time final approval is granted. The rental list shall be updated weekly by the applicant until residences are vacated. A copy of all assistance plans shall be forwarded to the Housing Division for approval. Payment shall be made when relocation expenses are incurred or no later than the time the tenant vacates the premises. (MHC 15.30.050)
2. The Property Owner shall enter into agreement with the City to provide at least — of the for sale homes for participation in a below market rate (BMR) sales program approved by the Planning Division. The BMR participation agreement shall run with the land, and the provisions thereof shall be subject to review by City Attorney prior to recordation.

The BMR participation agreement shall include the following provisions:

 - Family size shall be considered when a home is offered through the BMR program. No distinction shall be made between adults and children;
 - BMR units must be affordable to families earning — percent or below of the current county median income as defined by the United States Department of Housing and Urban Development;
 - The monthly housing cost shall include:
 - unit purchase price
 - current lending rates
 - estimated taxes
 - estimated insurance
 - homeowner's association fee
 - other expenses as determined by the lender
 - Units shall be available only to first time home buyers as defined under the California Housing Finance Agency Mortgage Program who currently reside within the County of Santa Clara.
 - BMR units shall be subject to resale restrictions under individual agreements which shall be binding for a minimum of — years.

STANDARD CONDITIONS

3. The Property Owner shall enter into agreement with the City to provide at least — of the units for participation in a below market rate (BMR) rental program approved by the Planning Division. The BMR participation agreement shall run with the land, and the provisions thereof shall be subject to review by City Attorney prior to recordation.

The BMR participation agreement shall include the following provisions:

- Family size shall be considered when a rental unit is offered through the BMR program. No distinction shall be made between adults and children;
- — of the BMR units upon the issuance of the certificate of occupancy must be affordable to families earning — percent or below of the current county median income as defined by the United States Department of Housing and Urban Development and the remaining — BMR units must be affordable to families earning — percent or below the current county median income;
- Property Owner agrees not to convert units to condominiums for a period of twenty (20) years.
- 4. The project is located in the Central Commercial-Residential (CC-R) zoning district and therefore must comply with the provisions of the Downtown Replacement Housing Program (DRHP). Those provisions may require that relocation assistance and/or on-site replacement housing be provided to current or past residents of the property. The applicable provisions of the DRHP must be satisfied prior to issuance of building permits for the subject project. (MC 15.30.050; 15.30.060)

BUILDING DIVISION

I. EXISTING STRUCTURES

- 1. Existing building(s) where an occupancy change or use occurs, shall be made to comply with current Building Code for the intended use. (UBC 3045)
- 2. Removal of existing sewage disposal facilities and connection to city services shall be required prior to final inspection. (MEMC 13.2.4)
- 3. Additions to structures and/or a change in occupancy of use are required to install fire sprinklers. (MEMC 15.08.070)

J. GRADING

- ☒ 1. Prior to issuance of building permits, the applicant shall provide contract documents for on-site improvements including comprehensive site grading and drainage plan. Said plan shall provide for exportation of excess soil material as necessary. (UBC, Appendix Chapter 33)
- ☒ 2. Prior to issuance of building permits, the applicant shall provide contract documents for on-site improvements including:
 - a) Comprehensive site grading and drainage plan. Said plan shall provide for exportation of excess soil material as necessary and controlled drainage of storm water away from building.
 - b) Comprehensive erosion control plan, including hydromulching or hand-seeding methods to be used in all graded or cleared areas. Said plan shall meet the minimum standards and specifications of the Loma Prieta Resource Conservation District.
 - c) All cuts and fills shall be at a 2:1 slope or less unless stabilized by a retaining wall or cribbing as approved by the City Engineer. Retaining walls that retain four feet or more measured from immediate grade shall be of concrete or masonry. (MEMC 15.08.050)

K. Site Development

- 1. Prior to issuance of building permits, the applicant shall provide two copies of a soils (Geotechnical) engineering report prepared by a registered Civil (Geotechnical) Engineer. The report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading criteria for corrective measures, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes, per UBC Appendix Chapter 70. The report shall also include soil classification and foundation investigation as required by UBC Chapter 29. (UBC, Appendix 33)
- 2. Prior to issuance of building permits, the applicant shall provide two copies of an engineering geology report, prepared by a registered Engineer Geologist. The report shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors. (UBC Appendix Chapter 33)
- 3. Record of survey required. Lot stakes to be set by registered Civil Engineer or licensed Land Surveyor prior to issuance of building permits. (UBC 108.1)
- 4. Plans for all septic tank sewer systems shall be submitted to the Santa Clara County Environmental Health Department for review and issuance of a septic tank permit. Location of the approved septic tank leach field and expansion area shall be depicted on the revised site plan as part of a final submittal. (MEMC 13.2.4)

L. OTHER CONDITIONS

- 1. The applicant shall have an acoustical analysis prepared by a licensed professional, specifying the manner in which interior noise levels will be reduced to the required forty-five (45) dB(A). The details of noise attenuation recommended in the report will be subject to review and approval of the Chief Building Official prior to issuance of the building permit. (UBC Appendix 1208)
- ☒ 2. Submit minimum four (4) complete sets of working drawings and specifications. Building plans shall be drawn at a minimum 1/4" scale. Minimum sheet size shall be 18" x 24". Submit minimum five (5) complete sets of drawings for all commercial and/or industrial buildings. (UBC 106.2.3)

STANDARD CONDITIONS

Page - 12 -

PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION

M. GENERAL

A. demolition permit from the Building Division of the City of Morgan Hill is required prior to the demolition of any structure. All structures which are 50 years old or older must complete a 15 day posting requirement. All structures must obtain a permit from the Bay Area Air Quality Control Board prior to demolition. (MEMC 15.60)

Permits for new structures or additions will require compliance with the Building Security Ordinance. Requirements such as the installation of dead bolts on doors, protection methods for windows, garage door security, commercial roof opening security, lighting at all exit doors, etc. may be required. (MEMC 15.40)

Permits for new structures or additions to existing structures will require the installation of fire sprinklers. (MEMC 15.08.070)

1. The applicant shall cause the construction of all public and private improvements in accordance with the latest City Standard Drawings and Specifications. Should the applicant propose the use of development and/or construction standards for any improvement and/or land uses, which are different than those presently set forth in the City's codes and ordinances, such alternative standards must be presented and approved by the Director of Public Works. The applicant shall cause Standard Specifications and Standard Drawings to be prepared in a format to be approved by the Director of Public Works. (MEMC 17.32.080)

2. The applicant shall have a Final Map prepared by a registered engineer or licensed land surveyor delineating all parcels and easements created. There shall be concurrence in writing by PG & E, Telephone, Cable TV and any other affected agencies to all improvements and easements which are applicable to them. The number and locations of monuments shall be as required by the Public Works Department. (MEMC 17.20.200)

3. The applicant shall submit as part of the improvement drawings for the project, profiles of all improvements in the subdivision and typical cross-sections of all streets and details of curbs, gutters, and sidewalks, to be accomplished to the satisfaction of the Director of Public Works prior to submittal of Final Map. (MEMC Sec 17.32.080)

4. Obtain necessary encroachment permits from City of Morgan Hill/~~County of Santa Clara~~ covering off-site improvements. (MEMC 12.08.040 A)

5. Modification of existing map to show (Storm Drain System) (Pavement widths) (Curve Radius) (Existing Utilities) on _____ (MEMC 17.20.040)

6. Enter into a ~~Subdivision~~ Improvement Agreement with the City of Morgan Hill to cover required improvements. (MEMC 17.32.160)

7. Reciprocal access easements and maintenance agreements ensuring access to all parcels and joint maintenance of all common roads, drives or parking areas shall be provided by CC&R's and by deed and shall be recorded concurrent with the map, or prior to issuance of building permit where no map is involved. (MEMC 17.20.340; 17.20.350)

STANDARD CONDITIONS

Page - 11 -

3.

4.

5.

STANDARD CONDITIONS

Page - 13 -

☒ 8.

The applicant shall submit a complete traffic study of the area affected by the proposed project. This study shall be subject to review and approval by the Public Works Director prior to the issuance of any City permits. All mitigating improvements outlined in the study shall be installed by the applicant at his expense. (MEMC 17.32.090)

☐ 9.

Prior to final map approval or issuance of a building permit, the applicant shall pay 1/2 the cost of an improved median on _____ for that portion covering the project frontage. Said cost shall be determined by the City Engineer. (MEMC 3.44.020)

☐ 10.

A map for assessment district reapportionment and reassessment spread shall be prepared and submitted to the City Engineer for review, approval and City submittal to the County Assessor. Said map shall be recorded concurrent with subdivision/parcel map. (MEMC 17.20.350)

☒ 11.

Pursuant to City Ordinance 982, the subject property will have reimbursement obligation to the City for lands acquired for street purposes and streets improved should those lands/street improvements about or be included within subject property. (MEMC 12.02.120 B).

☒ 12.

IMPACT FEE INCREASE-The City of Morgan Hill, pursuant to City Code Chapter 3.56 has established ten specific categories of impact fees to finance the cost of improvements required by new development. The City Council has chosen to implement certain fees, withhold implementation of certain fees, and stage the implementation of certain fees. City Code Chapter 3.56.050 provides for automatic annual (July 1) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. Those fees which a developer elects to defer shall be subject to the fees in effect at the time of development of a lot (issuance of building permit). The City Public Works Department maintains historical records on the Engineering News Record Index. These records are available for inspection during normal business hours.

N. STREET IMPROVEMENTS

☒ 1.

The applicant shall cause the design and construction of all new public and private streets serving the project. The design of all new public and private streets shall be consistent with both the General Plan Land Use and Circulation Element as well as the Street Standard Details as contained within the Public Works Standards Details. The construction of the streets shall be undertaken to the lines and grades and in a manner satisfactory to the Director of Public Works. All street improvements shall be constructed to the satisfaction of the Director of Public Works. The timing of the improvements will be determined by the City. (MEMC 17.32.060)

STANDARD CONDITIONS

Page - 14 -

☒ 2.

Installation and dedication of street improvement including, but not limited to, curb and gutter, sidewalk, connection, street paving, oiling, storm drainage facilities, sewer and water, fire protection, undergrounding of utilities and street lighting on _____ in conformance with City of Morgan Hill requirements. (MEMC 17.32.060)

☒ 3.

Dedication of a total of $\frac{1}{4}$ feet from center line of public right-of-way on _____ to _____ (MEMC 17.28.010)

☐ 4.

Dedication of the required corner cutoff at the intersection of _____ . (MEMC 17.28.010)

O. SANITARY SEWER SYSTEM

☐ 1.

The applicant, at his or her expense, shall have a registered civil engineer prepare a complete sewer system capacity study of the on- and off-site sewer system which will service the project (both upstream and downstream). The study shall meet the approval of the Director of Public Works. All needed improvements shall be installed by the applicant. No downstream overloading of existing sewer system will be permitted. (MEMC 17.32.090)

☒ 2.

The applicant shall cause to be undertaken the design and construction of sanitary sewer improvements including, but not limited to installation of sewer line extension on _____ Collection system shall include, but not be limited to manholes with manhole frames and covers, cleanouts, wye branches and laterals, and separate sewer taps to each lot. These are to be installed by the developer. (MEMC 17.32.020 C)

☒ 3.

All existing and future sewer lines shall be tied into the City's system and existing septic systems shall be abandoned in accordance with City requirements. (MEMC 13.24.080)

P. STORM DRAIN SYSTEM

☒ 1.

A complete storm drainage study of the proposed development must be submitted showing amount of run-off, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the Director of Public Works. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted. (MEMC 17.32.090)

STANDARD CONDITIONS

Page - 15 -

2. The applicant shall cause the design and construction to be undertaken for a storm drainage collection system shown on the Tentative Map. All storm drain improvements shall be constructed to the satisfaction of the Director of Public Works. (MEMC 17.32.020 B)

3. Collection system shall be designed to be capable of handling a 25 year storm without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity. Whereas, on-site retention facilities shall be designed to a 100 year storm capacity. Items of construction shall include, but not be limited to installation of storm line extension on SS surface and subsurface storm drain facilities, manholes with manhole frames and covers, catch basins and laterals. (MEMC 17.32.080)

Q. WATER SYSTEM

1. The applicant shall cause the design and construction to be undertaken of a domestic water system to the satisfaction of the Director of Public Works. The water system improvements shall be constructed within public easements or street rights-of-way to the satisfaction of the Director of Public Works and dedicated to the City. (MEMC 17.32.090)

2. Abandonment of any existing water well in conformance with Santa Clara Valley Water District Ordinance 90-1. Location and disposition to be shown on the plan.

3. Installation of water line extension on site
(MEMC 17.32.020)

4. Provide separate water services and meters for each lot. These are to be installed by developer. (MEMC 17.32.020 D)

5. Should the City determine that additional water storage capacity is required, the applicant shall pay a share of any necessary improvement costs. The timing and amount of payment (developer's proportionate share) may be based on City-wide usage shall be determined by the Public Works Director. (MEMC 3.44.010)

R. OTHER CONDITIONS

1. The owner shall dedicate all necessary utility easements. Each requirement shall be determined by the Director of Public Works, and shall be accompanied by appropriate legal descriptions. (MEMC 17.28.010)

STANDARD CONDITIONS

Page - 16 -

2. The applicant shall cause the design and construction required to underground all electric, gas, Cable TV and communication lines within the development. Such design and construction shall be to the satisfaction of the affected utilities and the Director of Public Works. (MEMC 17.32.020 E.1)

3. The final map on all major subdivision (5 or more lots) shall be approved by the City Council prior to issuance of a grading permit. For minor subdivision (4 lots or less), the final map shall be signed by the City Engineer and the Planning Commission Secretary prior to issuance of a grading permit. (MEMC 17.20.380; 17.24.210)

4. Landscaping and irrigation systems serving common areas that are required to be installed in the public right-of-way on the perimeter of this tract area shall be continuously maintained by the Homeowner's Association-Property Owner

5. Final landscape plans shall be submitted with and included as part of the improvement plans for the subdivision. (MEMC 17.08.090)

OFFICE OF JOINT POWERS PRETREATMENT

S. COMMERCIAL AND INDUSTRIAL BUILDINGS

1. Restaurants and food preparation facilities shall install grease interceptors. The type, size and location of said interceptors shall be to the approval of the Public Works Director and the Pretreatment Office.
2. Installation of a sewer test manhole in lieu of a property line clean-out, shall be provided for each building, in accordance with standard city specifications. (MEMC 13.20.276)
3. Where a septic tank system is proposed, a copy of the approval permit from the Santa Clara County Environmental Health Department shall be filed with the Office of Joint Powers Pretreatment prior to issuance of a building permit.

FIRE DEPARTMENT

T. SITE DEVELOPMENT

1. Required Fire Flow. Required fire flow for this project is _____ GPM at 20 psi residual pressure. The required fire flow _____ available from area water mains and fire hydrant(s) which are spaced at the required spacing. (UFC Appendix III-A)
- ☒ 2. Automatic Fire Sprinkler System Required. Buildings requiring a fire flow in excess of 2,000 GPM shall be equipped throughout with an approved automatic fire sprinkler system. The fire sprinkler system shall be hydraulically designed per National Fire Protection Association (NFPA) Standard #13, 1994 Edition. (UFC 1003.2.2 as amended by MEMC 15.44.040)
3. Final Required Fire Flow. Required fire flow may be reduced up to 50% in buildings equipped with automatic fire sprinkler systems but can be no less than 1,500 GPM. Therefore, the final required fire flow is _____ GPM at 20 psi residual pressure. This flow shall be taken from any two fire hydrants, on or near the site so long as they are spaced at a minimum spacing at 250 feet. (UFC Appendix III-A, Section 5)
- ☒ 4. Public Fire Hydrant(s) Required. Provide ☒ public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and the City of San Jose Water Company. Maximum hydrant spacing shall be 250 feet and the minimum single flow hydrant shall be 1,500 GPM at 20 psi residual pressure. If fire hydrants are already in place, include civil drawings showing location of all hydrants with the building permit submittal. (UFC 903.2)
- ☒ 5. Private Fire Hydrant(s) Required. Provide ☐ private on-site fire hydrant(s) installed per NFPA Std. #24, at location(s) to be determined by the Fire Department. Maximum hydrant spacing shall be 250 feet and the minimum single flow hydrant shall be 1,500 GPM at 20 psi residual pressure. Prior to design, the project civil engineer shall meet with the fire department water supply officer to jointly spot the hydrant locations. (UFC 903.2)
6. Required Fire Flow Option (Single Family Dwellings). Provide required fire flow from fire hydrants spaced at a maximum of 500 feet OR provide an approved fire sprinkler system throughout all portions of the building. The fire sprinkler system shall conform to National Fire Protection Association Standard #13D, 1994 Edition, and local ordinance requirements. (UFC 903.2)
7. Water Supply for Fire Protection (Single Family Dwelling). Provide a water tank of _____,000 Gallons capacity and one _____ fire hydrant. Installations shall conform with Fire Department Standard Details and Specifications W-1. (UFC 903.2)

STANDARD CONDITIONS

Page - 19 -

8. Required Hydrant Installations(s). Hydrants shall be installed and spaced along the new or replacement water main installation(s) at a maximum spacing of _____ feet. Provide hydraulic calculations to show that required fire flow can be provided. (General Order 103)

9. Private On-site Fire Service Mains and Hydrants. Installations shall conform to National Fire Protection Association Standard #24, and Fire Department Standard Details and Specifications W-2: (UFC 903.2) *Separate permit is required from Fire Dept.*

10. Timing of Required Water Supply Installations. Required Fire Hydrant and Water Supply installations shall be in place, inspected, tested and accepted by the Fire Department prior to the start of framing construction. Bulk construction materials may not be delivered to the construction site until installations are completed as stated above. Clearance for building permits may be held until installations are completed. (UFC 901.3)

11. Location of Required Fire Protection System(s) Equipment. Location of Fire Hydrants, Fire Sprinkler System(s) Control Valves (FV / OS&Y), Fire Department Connections (FDC) and Fire Alarm Equipment shall be coordinated with the Fire Department and the Project Planners. (UFC 1001.7.1; 1001.8)

12. Review of this Development proposal is limited to acceptability of site access and water supply as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall apply to the Building Department for applicable construction permits.

13. Review of these plans does not release the developer, architect, or contractor of the responsibility for the corrections of mistakes, errors or omissions contained therein.

14. This record contains standard wording for developmental review comments. The section(s) may be copied and pasted into other documents to save time and improve accuracy. Use of a standard format and standard wording has been requested by the cities and recommended by their respective city/town attorneys. PARTS ARE LOCATED AT 97-0001-0004.

15. Fire Apparatus (Engine) Access Roads Required. Provide access roadways with a paved all weather surface and a minimum unobstructed width of 20 feet, vertical clearance of 13 feet, 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. Installations shall conform with Fire Department Standard Details and Specifications A-1. (UFC 902.2.2)

STANDARD CONDITIONS

Page - 20 -

16. Fire Department (Engine) Roadway Turn-around Required. Provide an approved fire department engine roadway turn-around with a minimum radius of 36 feet outside and 23 feet inside. Installations shall conform with Fire Department Standard Details and Specifications A-1. Cul-de-sac diameters shall be no less than 72 feet. (UFC 902.2.2.4)

17. Emergency Gate/Access Gate Requirements. Open gates shall not obstruct any portion of the required access roadway or driveway width. If provided, all locks shall be fire department approved. Installations shall conform with Fire Department Standard Details and Specifications G-1. (UFC 902.2.4.1)

18. Fire Lane Marking Required. Provide marking for all roadways within the project. Markings shall be per fire department specifications. Installations shall also conform to Local Government Standards and Fire Department Standard Details and Specifications A-6. (UFC 901.4.2)

19. Parking Along Roadways. The required width of fire access roadways shall not be obstructed in any manner. Parking shall not be allowed along roadways less than 28 feet in width. Parking will be allowed along one side of the street for roadways 28-35 feet in width. For roadways equal to or greater than 36 feet, parking will be allowed on both sides of the roadway. Roadway widths shall be measured face to face of curb. Parking spaces are based on an 8 foot wide space. (UFC 902.2.4.1)

20. Required Plans and Permits. Plans for fire apparatus access roads and fire hydrant systems shall be submitted to the Fire Department for review and approval prior to construction. Permits are required for the installation of all Private Water Supply, Tank, and Hydrant systems and must be issued to contractors prior to the start of installation of such systems. (UFC 901.2.2.1, 902.2.2.2)

21. Required Access to Water Supply (Hydrants). Portions of the structure(s) are greater than 150 feet of travel distance from the centerline of the roadway containing public fire hydrants. Provide an on-site fire hydrant OR provide an approved residential fire sprinkler system throughout all portions of the building. (UFC 903.2)

22. Required Access to Buildings. Portions of the structure(s) are greater than 150 feet of travel distance along an accessible travel path from an approved fire apparatus access roadway or driveway. Provide an approved fire apparatus roadway/driveway and approved turn-around OR provide an approved type residential fire sprinkler system throughout all portions of the building. (UFC 902.2.1, 902.2.2.4)

23. Fire Department Key Box Required. Provide an approved fire department key box and appropriate building keys. Installation shall conform with Fire Department Standard Detail and Specification K-1. (UFC 902.4)

STANDARD CONDITIONS

Page - 21 -

- 24. Fire Apparatus (Engine) Access Driveway Required. Provide an access driveway with a paved all weather surface and a minimum unobstructed width of _____ feet, vertical clearance of 13 feet, 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. Installations shall conform to Fire Department Standard Details and Specifications D-1. (UFC 902.2.2)
- 25. Fire Department (Engine) Driveway Turn-around Required. Provide an approved fire department engine driveway turn-around with a minimum radius of 36 feet outside and 23 feet inside. Installations shall conform with Fire Department Standard Details and Specifications D-1. (UFC 902.2.2.4)
- 26. Location of Required Fire Protection System(s) Equipment. Location of Fire Hydrants, Fire Sprinkler System(s) Post Indicator Valves (PIV), Fire Department Connections (FDC) and Fire Alarm Equipment shall be coordinated with the Fire Department and the Project Planners. (UFC 1001.7.1, 1008.1)
- 27. Access to Buildings/Landscaping Requirements. Landscaping shall not obstruct Fire Department ladder access to buildings. Building Permit submittals shall include a landscape drawing which reflects the location of all landscaping. The plan shall show how Fire Department ladder access will be provided around all buildings. Provide approved walkways on all sides of the building(s) leading from the fire access roadway to the exterior openings of the building(s). (UFC 902.3.1)
- 28. Timing of Required Roadway/Driveway Installations. Required roadway/driveway installations shall be in place, inspected, and accepted by the Fire Department prior to the start of construction. Bulk combustible construction materials may not be delivered to the construction site until installations are completed as stated above. Clearance for building permits also may be held until installations are completed. (UFC 901.3)
- 29. Flagged Lots. Flagged lots shall conform with all access and water supply requirements in accordance with Fire Code Article 9. Contract Fire Department for applicable means of compliance. (District Policy)
- 30. Timing of Required Driveway Installations. Required driveway installations shall be in place, inspected, and accepted by the Fire Department prior to the start of construction. Bulk combustible construction materials may not be delivered to the construction site until installations are completed as stated above. Clearance for building permits also may be held until installations are completed. (UFC 901.3)
- 31. Fire Apparatus (Ladder Truck) Access Roads Required. Provide access roadways with a paved all weather surface and a minimum unobstructed width of 30 feet, vertical clearance of 13 feet, 6 inches, minimum circulating turning radius of _____ feet outside and _____ feet inside, a maximum slope of 10% and vehicle loading of _____ pounds. (UFC 902.2.2.1)

STANDARD CONDITIONS

Page - 22 -

- 32. Fire Ladder Truck Set Up Area(s) Option. Provide Fire Department Ladder Truck Set Up Areas with a minimum unobstructed width of 30 feet and minimum length of 60 feet. Area shall support 75,000 pounds of gross vehicle weight. Area shall be paved or other engineered surfaces may be used with Fire Department approval. (UFC 902.2.2.1)
- 33. Secondary Access Required. Provide a secondary access point.
- 34. Installation and Design of Secondary Access shall conform to Fire Department Standard Details and Specifications A-4. (UFC 902.2.1)
- 35. Bridges (Driveways). The bridge shall be designed for a live load of 40,000 pounds as stated in Fire Department Standard Details and Specifications D-1 and in accordance with Article 90 of the Fire Code. (UFC 902.2.2.5)
- 36. Premises Identification. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background and be a minimum of four inches in height. (UFC 901.4.4)
- 37. Building Code Review. Building Code review will be conducted upon receipt of a plans submittal and Building Permit Application from the local building department having jurisdiction.
- 38. Hazardous Materials Compliance Review. Hazardous Materials Compliance review is not completed in the Development Review Process. Questions regarding Hazardous Materials may be directed to (408)378-4010 ext. 20.
- 39. Review of Street Improvement Plans for _____
- 40. Approved or Disapproved (as applicable). State reason for disapproval.
- 41. The proposal presented under this application is acceptable to the Fire Department. Prior to performing any grading, demolition, construction or building modifications, the applicant shall make an application to, and obtain from the Building and Fire Department all necessary permits. The requirements or conditions, if stated above, shall be incorporated into the project drawings submitted for Building and Fire Department review.
- 42. No Fire Department Requirements or Conditions. For the application submitted. Subsequent submittals will be reviewed for Fire Department compliance upon receipt.

- 41. Preliminary Review Only. The requirements and conditions stated in this review are preliminary and are intended to be used for the purposes of project planning. An official Fire Department review of the project will be conducted upon receipt of a complete Building Permit Application and Plan Submittal that clearly shows all intended grading, demolition, construction or building modifications.

POLICE DEPARTMENT

U. SITE DEVELOPMENT

- 1. The applicant shall comply with applicable provisions of the City's building security ordinance. Exterior lighting shall comply with criteria specified in the Design Review Ordinance. (MEMC 18.74.370)
- 2. The common main entrance door to a multi-family residential building shall be coupled with a voice intercom and electric door controls for each living unit to monitor control of visitor access to the building's interior. There shall be no master keying of residential units.
- 3. On directories used in a multiple family dwelling, the residents listed shall be by alphabetical listing only and shall not correspond to numbering of dwelling unit. (MEMC 15.40.410)
- 4. Where electronic security gates are provided to a development, a voice intercom or phone and electric gate control shall be provided. Gate location shall be designed to provide adequate area for turn around of vehicles.

V. BUILDING DESIGN

- 1. Building shall be pre-wired to provide a hard wire burglar alarm system. This shall include any windows or doors at ground level and including any windows capable of being reached without ladders from the building's exterior. The wire shall be laid in conduit. This condition does not include the actual alarm system, but only the pre-wiring for desired hookup at a later date.
- 2. All exterior transoms, glass skylights, and other openings of glass which are accessible from any surface on the premises shall be constructed of burglary-resistant glass or equally resistant glasslike material or secured on the inside with the following protective devices:
 - Iron bars of at least one-half (1/2) inch round or one (1) inch x one-quarter (1/4) inch flat steel material no more than five (5) inches apart and securely fastened; or
 - Iron or steel grills of at least one-eighth (1/8) inch thickness with mesh not to exceed two (2) inches secured with non-removable type screws. (MEMC 15.40.250)
- 3. All hatchway openings shall be secured with the following protective devices:

- If the hatchway is of wooden material, it shall be covered on the inside with at least sixteen (16) gauge sheet steel, or its equivalent, attached with screws.
- The hatchway shall be secured from the outside with a slide bar or slide bolt with a minimum of one (1) inch throw. The use of a crossbar or padlock must be approved by the Fire Department.
- Outside hinges on all hatchway openings shall be provided with non-removable pins using pin-type hinges. (MEMC 15.40.280)
- 4. All air duct or air vent openings exceeding eight (8) inches x twelve (12) inches on the roof or exterior walls of any building shall be secured by covering the same with either of the following:
 - Iron bars of at least one-half (1/2) inch round or one (1) inch x one-quarter (1/4) inch flat steel material, spaced no more than five (5) inches apart and securely fastened; or
 - Iron or steel grills of at least one-eighth (1/8) inch thickness with mesh not to exceed two (2) inches and secured with non-removable type screws.
 - If the barrier is on the outside, it shall be secured with galvanized round-head through bolts of at least three-eighths (3/8) inch diameter on the outside. (MEMC 15.40.290)

PACIFIC GAS & ELECTRIC (PG&E)

W. UTILITY ACCESS

- ☒ 1. Development plans shall provide for unrestricted utility access and avoid encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities. Examples of activities which could have an impact on PG&E facilities include permanent/temporary changes in grade over or under the facilities; construction of structures within or adjacent to PG&E easements; and planting of certain types of vegetation over or underneath gas and electric facilities respectively. Developers shall be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate the proposed development (PG&E).

X Other Conditions:

- ☒ 1. Full street improvements are required along the Llagas Rd. and Hale Ave. project frontage. The installation and timing of the improvements shall be to the review and approval of the Director of Public Works.
- ☒ 2. The drop-off/pick-up process shall be reviewed on an annual basis. Should problems or congestion occur on or off-site, the use permit shall be brought back for Planning Commission review. Alternatives such as those suggested by the traffic study may be required at the school's expense to address the reported problems
- ☒ 3. The driveway entrance for the school shall be located across from the Murphy Springs Dr. intersection with Llagas Rd.
- ☒ 4. Appropriate traffic signs and pavement markings shall be completed prior to final occupancy. The circulation signs and marks shall be to the satisfaction of the Director of Public Works and the Community Development Director.
- ☒ 5. A fence shall be installed to separate the school from the existing and future adjacent uses. The fence design shall be solid to provide noise attenuating qualities. The height and design of the fence shall be reviewed and approved by the Planning Division as part of the Site Review application process.
- ☒ 7. All facilities shall be made ADA accessible and accessible routes provided to each building. The appropriate number of disabled parking stalls shall be installed to the approval of the Chief Building Official.
- ☒ 8. Backflow device shall be installed on all water services in accordance with Public Works Department standards.

☒ 9. A sewer test manhole shall be installed in accordance with Public Works Department standards.

☒ 10. On site detention pond is required to mitigate increase in run off from site.

☒ 11. The developer shall file a Notice of Intent to comply with the State National Pollution Discharge Elimination System General Permit for Storm Water Discharges associated with construction activity with the State Water Resources Control Board. The developer must also prepare a storm water pollution prevention plan and provide measures to minimize or eliminate pollutant discharges from construction activities and from the parking lot and landscaping areas after construction.

☒ 12. The existing buildings on the site shall not be moved prior to obtaining all necessary City approvals.

☒ 13. The use of the outdoor play ground and fields shall be restricted to between 8:30 a.m. and 6:00 p.m.

☒ 14. The school use shall be conducted as described in the Statement of Operations on file with the Community Development Department.

☒ 15. Public access and use of the Private School Facilities shall be allowed as stipulated in the separate loan agreement between the applicant and the Morgan Hill Redevelopment Agency on file with the City.

☒ 16. Arrival times at the start and end of each school day shall be staggered so as not to exceed the queuing capacity on site for vehicles arriving to drop off or pick up students.

☒ 17. Student enrollment for the first school year shall be limited to 130 students. Enrollment of up to 200 students may be permitted in the second school year following completion of amended/updated Traffic Report and implementation of any traffic mitigation measures identified in the amended traffic report. Student enrollment beyond 200 students shall require an amendment to the Conditional Use Permit.

☒ 18. Applicant shall inform parents and others to use Liagas Road and Hale Avenue only as the access roads to the school site. The purpose of this condition is to avoid impacting local residential streets, specifically Via Loma and Murphy Springs Drive that might otherwise be used as a bypass route from Hale Avenue to the school.

☒ 19. As part of the Site and Architectural Approval Process, a revised site plan shall be submitted extending the parking lot south to the southerly property line. The basketball court at this location shall be relocated to the east of the expanded parking lot.

MITIGATION MONITORING PROGRAM
UP-00-02: Llagas - Carden Academy

No.	MITIGATION	RESPONSIBLE PARTY	REVIEWING AGENCY	COMPLETION DUE DATE	ACTUAL COMPLETION DATE
1.	<p>A) Prior to any activity that alters or disrupts surface soils in areas of open grassland, agricultural lands, ruderal sites, sites with bare soil and or piles of rubble and vacant lots, a reconnaissance level survey shall be conducted by a qualified ornithologist to determine whether or not potential burrowing owl habitat occurs on the site.</p> <p>B) If potential burrowing owl habitat is identified, a peak breeding season survey shall be conducted on the site in accordance with the following guidelines.</p> <ol style="list-style-type: none"> 1. The assessment shall consist of a total of four site visits on separate days (per CDFG protocols). Surveys shall be conducted 2 hours before to 1 hour after sunset, or 1 hour before to 2 hours after sunrise. 2. Surveys shall be conducted during the peak nesting season, April 15 to July 15, unless the protocol identified in B.3 is followed. Mitigation for owls and/or habitat when surveys are conducted during the above referenced dates shall be as follows: <ol style="list-style-type: none"> (a) If burrowing owls are present or have been known to occupy the site within the last three years, mitigation for lost habitat shall be at a ratio of 1:1 (taken to mitigation). (b) If no owls are detected and have not been known to occupy the site within the last three years, potential habitat shall be replaced at a ratio of 1:0.5 (taken to mitigation). 3. If surveys are conducted outside the peak nesting season (between July 16 and April 14), mitigation shall be as follows: <ol style="list-style-type: none"> (a) If owls are present or have been known to occupy the site within the last three years, mitigation for lost habitat shall be at a ratio of 1:1 (taken to mitigation). (b) If owls are not present, potential habitat shall be replaced at a 1:1 (taken to mitigation) ratio. 	Planning Manager to contract with qualified ornithologist; Applicant to pay	Planning Division	Prior to issuance of grading permit or any activity that alters or disrupts surface soils	

No.	MITIGATION	RESPONSIBLE PARTY	REVIEWING AGENCY	COMPLETION DUE DATE	ACTUAL COMPLETION DATE
	<p>C) Habitat replacement may be either on-site or off-site upon approval of CDFG. For off-site mitigation, the applicant shall enter into a Mitigation Agreement (MA) with the California Department of Fish and Game (CDFG). Land for off-site mitigation shall be obtained within 18 months of project approval unless an extension is granted by CDFG. (Currently, the MA requires a letter-of-credit or escrow account adequate to cover costs of mitigation and provides a prescribed interval to secure the required mitigation site. If the project sponsor defaults on the MA, the security deposit is remitted to CDFG for their use in securing a site. CDFG currently estimates that \$10,000 per acre, \$20,000 for initial site protection and enhancement, \$40,000 to establish an endowment to fund long-term site management, is adequate to fulfill off-site mitigation requirements).</p> <p>D) After project approval, in addition to the habitat survey, the applicant shall conduct a preconstruction survey to avoid the take of individual burrowing owls. The preconstruction survey shall be conducted not more than 30 days prior to construction to assure take avoidance of burrowing owls. If owls are observed during the preconstruction survey, no impacts to the owls or their habitat will be allowed during the nesting season (February 1 to August 31).</p> <ol style="list-style-type: none"> 1. If there are construction activities during the breeding season, and if burrowing owls are observed on, or within 250 feet of the project site during preconstruction surveys, a 250 foot protective buffer shall be established and monitored. 2. If preconstruction surveys are conducted during the non-breeding season and burrowing owls are observed on the site, the owls may be relocated upon approval of the CDFG once mitigation has been provided. 	Applicant	Planning Division	Prior to issuance of grading permit or any activity that alters or disrupts surface soils	
2.	The project applicant shall retain the services of a professional arborist to evaluate the condition of any on-site trees affected by construction activity. Any tree subject to Chapter 12.32 of the Municipal Code and proposed to be removed will require a tree removal permit.	Applicant	Planning Division	Prior to issuance of grading or building permit	
3.	Prior to issuance of occupancy the installation of full Llagas Rd. street improvements shall be completed. The timing and installation of the Hale Ave. improvements shall be to the satisfaction of the Director of Public Works.	Applicant	Public Works Director	Llagas Rd - Prior to issuance of occupancy, Hale Ave. - To the satisfaction of the Public Works Director	

No.	MITIGATION	RESPONSIBLE PARTY	REVIEWING AGENCY	COMPLETION DUE DATE	ACTUAL COMPLETION DATE
4.	Provide adequate on-site parking for special events such as open house, graduation ceremony and sport events. This can include paved recreational areas on the site. Final review and installation of the parking and circulation improvements shall be to the satisfaction of the Community Development Director.	Applicant	Community Development Director/Planning Division	Prior to Site Review approval	
5.	Provide adequate on-site parking for employees, visitors and suppliers. Adequate parking shall also be provided in the staging area for parents to drop off and pick up children without impeding on-site or off-site circulation. Final review and installation of the parking and circulation improvements shall be to the satisfaction of the Community Development Director.	Applicant	Planning Division	Prior to Site Review approval	
6.	On site storm water detention shall be provided to accommodate any increase run-off generated from the development of the site. The method, size and location of the storm water detention shall be to the review and approval of the Public Works Director and Director of Community Development.	Applicant	Public Works and Planning Division	Prior to Site Review approval	
7.	The drop-off/pick-up process shall be reviewed on an annual basis. Should problems or congestion occur on or off-site, the use permit shall be brought back for Planning Commission review. Alternatives such as those suggested by the traffic study may be required at the school's expense to address the reported problems.	Carden Academy	Planning Division	Annually	
8.	The driveway entrance for the school shall be located across from the Murphy Springs Dr. intersection with Liagas Rd.	Applicant	Public Works	Prior to Site Review approval	
9.	Appropriate traffic signs and pavement markings shall be completed prior to final occupancy. The circulation signs and marks shall be to the satisfaction of the Director of Public Works and the Community Development Director.	Applicant	Public Works and Planning Division	Prior to final occupancy	
10.	The developer shall file a Notice of Intent to comply with the State National Pollution Discharge Elimination System General Permit for Storm Water Discharges associated with construction activity with the State Water Resources Control Board. The developer must also prepare a storm water pollution prevention plan and provide measures to minimize or eliminate pollutant discharges from construction activities and from the parking lot and landscaping areas after construction.	Applicant/Developer	Planning Division	Prior to issuance of grading or building permit	
11.	Arrival times at the start and end of each school day shall be staggered so as not to exceed the queuing capacity on site for vehicles arriving to drop off or pick up students.	Carden Academy	Planning Division	Daily	

No.	MITIGATION	RESPONSIBLE PARTY	REVIEWING AGENCY	COMPLETION DUE DATE	ACTUAL COMPLETION DATE
12.	Student enrollment for the first school year shall be limited to 130 students. Enrollment of up to 200 students may be permitted in the second school year following completion of amended/updated Traffic Report and implementation of any traffic mitigation measures identified in the amended traffic report. Student enrollment beyond 200 students shall require an amendment to the Conditional Use Permit.	Carden Academy	Planning Division	Annually	
13.	As part of the Site and Architectural Approval Process, a revised site plan shall be submitted extending the parking lot south to the southerly property line. The basketball court at this location shall be relocated to the east of the expanded parking lot.	Applicant	Planning Division	Prior to Site Review approval	

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MEMORANDUM

To: PLANNING COMMISSION

Date: March 10, 2009

From: COMMUNITY DEVELOPMENT DEPARTMENT

Subject: HIGH SPEED TRAIN PROJECT LEVEL EIR/EIS SCOPING MEETINGS

BACKGROUND

Approximately two year ago, the California High-Speed Rail Authority circulated a Draft Program Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) on the proposed high-speed rail alignments serving the Central Valley and the Bay Area. The EIR/EIS evaluated the environmental impacts of several variations to two alignments, the first connecting to the Bay Area over Altamont Pass in the East Bay and the other over Pacheco Pass serving South County, with direct connections to San Jose and San Francisco. For the Pacheco alignment, several alternative routes through South County were considered, including using the Highway 101 corridor. For the Program EIR/EIS, a grade separated alignment using the existing Union Pacific Railroad right-of-way was selected to be evaluated. The construction costs of the two alignments are similar (\$12.7 billion for Altamont; \$12.4 billion for Pacheco). The Pacheco alignment was ultimately selected by the Rail Authority because the alignment would directly serve downtown San Francisco and San Francisco International Airport, San Jose, South County and the Central Valley and would have higher ridership and revenue potential compared to the Altamont alignment.

The EIR/EIS also evaluated the potential for high-speed rail stations in Morgan Hill and Gilroy using the existing Caltrain stations. A Morgan Hill Station is expected to have considerably less ridership potential than the Gilroy site. About twice as many riders would use the Gilroy site. The Gilroy station provides better connectivity and travel times and less access costs to the Santa Cruz, Monterey/Carmel, and Salinas markets. The Morgan Hill station would be compatible with the Morgan Hill Caltrain station and commercial uses and would be consistent with development of a multi-modal transit transfer center. The potential environmental impacts of a Morgan Hill station were identified as low, as the station would be using existing VTA/Caltrain transit facilities. The High Speed Rail Authority selected Gilroy as the preferred location for the high-speed rail station. The EIR/EIS estimated the cost to upgrade the Caltrain station for high-speed rail at approximately \$248 million.

In November 2008, the voters of California approved Proposition 1A, which will give all high-speed rail corridors in the system an equal opportunity to compete for a share of the \$9 billion bond the bill provides. Proposition 1A also devote \$950 million to improvements in rail services that connect the high-speed rail corridor, such as the Capitol Corridor.

EIR/EIS SCOPING MEETINGS FOR THE SAN JOSE TO MERCED SECTION

The preferred alignment for high speed rail through Morgan Hill is on or adjacent to the Union Pacific railroad tracks. However, a final determination has not been made as to the precise location of the high speed rail tracks nor has there been any preliminary engineering work completed. The California High Speed Rail Authority will be conducting a series of "scoping" meetings later this month to receive public input in advance of preparing the required Project Level Environmental Impact Report/Statement. The Scoping Meeting will provide the public an opportunity to ask questions and to learn more about high-speed rail. Locally, the Scoping Meetings will be held on March 25, 2009 from 3:00 to 7:00 p.m. at the Roosevelt Community Center, Community Room B, 901 E. Santa Clara Street in San Jose and on March 26, 2009, from 3:00 to 7:00 p.m. at the Gilroy Hilton Garden Inn, Ballroom A, 6070 Monterey Road in Gilroy.

The attached Notice of Preparation provides additional information regarding the upcoming San Jose to Merced Section High-Speed Train Project Level EIR/EIS Scoping Meetings. Comments responding to the Notice of Preparation will be accepted by the High Speed Rail Authority through the close of business **April 10, 2009**.

RECOMMENDATION

Discussion and comments.

Attachments:

EIR/EIS Scoping Meeting Notice
Notice of Preparation

Jim Rowe

From: Express Email Marketing [mailer_response@emailcounts.com] on behalf of San Jose to Merced Section California High-Speed Train System [highspeedrail@circlepoint.com]
Sent: Wednesday, February 25, 2009 3:21 PM
To: Jim Rowe
Subject: San Jose to Merced Section High-Speed Train Project Level EIR/EIS

SAN JOSE TO MERCED SECTION HIGH-SPEED TRAIN PROJECT LEVEL EIR/EIS SCOPING MEETINGS

The *California High-Speed Rail Authority (Authority)*, as the lead agency for the *California Environmental Quality Act* process, and the *Federal Railroad Administration*, as the lead agency for the *National Environmental Policy Act* process, are issuing a Notice of Preparation of a Project Level *Environmental Impact Report/Statement (EIR/EIS)* for the San Jose to Merced section of the proposed High-Speed Train system.

To ensure that the issues most important to residents, public agencies and other involved parties are addressed, the Authority is inviting you to participate in scoping meetings to collect public input.

The Notice of Preparation, meeting dates and locations are available at www.cahighspeedrail.ca.gov. You also can provide comments at www.cahighspeedrail.ca.gov, via mail to Mr. Dan Leavitt, Deputy Director, ATTN: San Jose to Merced, California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814, or via e-mail with subject line "San Jose to Merced HST" to comments@hsr.ca.gov through close of business April 10, 2009.

Merced

March 18, 3:00-7:00 p.m.
Merced Community Senior Center
755 W. 15th Street
(joint scoping meeting with Bakersfield
to Merced Section)

San Jose

March 25, 3:00-7:00 p.m.
Roosevelt Community Center, Community Room B
901 E. Santa Clara Street

Gilroy

March 26, 3:00-7:00 p.m.
Gilroy Hilton Garden Inn, Ballroom A
6070 Monterey Road

Scoping meetings are open house format. People can drop by at any time to get information and provide input. Team members will be available throughout the session to respond to your questions.

Judge Quentin L. Kopp, Chairman
Fran Florez*, Vice-Chair
David Crane
Rod Diridon, Sr.*
R. Kirk Lindsey
Curt Pringle
Lynn Schenk
T.J. (Tom) Stapleton
Tom Umberg
*past chair



ARNOLD SCHWARZENEGGER
GOVERNOR



CALIFORNIA HIGH-SPEED RAIL AUTHORITY

NOTICE OF PREPARATION

DEVELOPMENT
SERVICES

FEB 27 2009

CITY OF MORGAN HILL

FROM: Mehdi Morshed
Executive Director
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

SUBJECT: Notice of Preparation of a Project Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for a San Jose to Merced High-Speed Train system through Pacheco Pass (Note: Review period ends April 10, 2009).

The California High-Speed Rail Authority (Authority), as the Lead Agency for the California Environmental Quality Act (CEQA) process for a proposed California High-Speed Train (HST) system, is issuing this Notice of Preparation of a Project EIR/EIS for the San Jose to Merced section of the proposed HST system.

This NOP initiates the State CEQA process and the preparation of an Environmental Impact Report/ Environmental Impact Statement for the San Jose to Merced section of the proposed California High Speed Train System. The Authority is issuing the NOP to solicit public and agency input into the development of the scope of the EIR and to advise the public that outreach activities will be conducted by the Authority and its representatives in the preparation of the combined EIR/EIS. The Federal Railroad Administration (FRA), an operating administration with the United States Department of Transportation, will serve as federal lead agency for the federal environmental review process complying with the National Environmental Policy Act (NEPA). The FRA has responsibility for oversight of the safety of railroad operations, including the safety of any proposed high-speed train system. The FRA will publish a Notice of Intent (NOI) in the *Federal Register*, announcing the agency's intention to initiate the federal environmental review process for the EIR/EIS for this section of the HST project.

The Authority and the FRA completed a Final Statewide Program EIR/EIS in August 2005 as the first phase of a tiered environmental review process for the proposed California HST system. The Authority and the FRA completed a second program EIR/EIS in July 2008 to identify a preferred alignment for the Bay Area to Central Valley section of the HST system. The Bay Area to Central Valley HST Program EIR/EIS identified a preferred alignment following the Caltrain rail right-of-way, between San Francisco and San Jose along the San Francisco Peninsula, through the Pacheco Pass and via Henry Miller Road, between San Jose and the Central Valley. Tiering from the two program EIR/EISs, the Authority and the FRA will prepare a project EIR/EIS for the San Jose to Merced section of the HST along the Caltrain/UPRR corridor, through the Pacheco Pass and via Henry Miller Road.

DATES: Written comments on the scope of the San Jose to Merced HST project EIR/EIS should be provided to the Authority at the earliest possible date but no later than April 10, 2009. Public scoping meetings are scheduled from March 18, 2009 through March 26, 2009 as noted below.

ADDRESSES: Written comments on the scope of this EIR/EIS should be sent to Mr. Dan Leavitt, Deputy Director, ATTN: San Jose to Merced HST Project EIR/EIS, California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814, or via email with subject line "San Jose to Merced HST" to: comments@hsr.ca.gov. Comments may also be provided orally or in writing at the scoping meetings.

FOR FURTHER INFORMATION CONTACT: Mr. Dan Leavitt at (916) 322-1397 or at the above noted address.

SUPPLEMENTARY INFORMATION: The California High-Speed Rail Authority (Authority) was established in 1996 and is authorized and directed by statute to undertake the planning and development of a proposed statewide HST network that is fully coordinated with other public transportation services. The Authority adopted a Business Plan in June 2000, which reviewed the economic feasibility of an 800-mile-long HST system capable of speeds in excess of 200 miles per hour on a dedicated, fully grade separated state-of-the-art track. The Authority released an updated Business Plan in November 2008.

In 2005, the Authority and FRA completed a Final Program EIR/EIS for the Proposed California High Speed Train System (Statewide Program EIR/EIS), as the first phase of a tiered environmental review process. The Authority certified the Final Program EIR under CEQA and approved the proposed HST System, and FRA issued a Record of Decision under NEPA on the Federal Program EIS. This statewide program EIR/EIS established the purpose and need for the HST system, analyzed an HST system, and compared it with a No Project/No Action Alternative and a Modal Alternative. In approving the statewide program EIR/EIS, the Authority and the FRA selected the HST Alternative, selected certain corridors/general alignments and general station locations for further study, incorporated mitigation strategies and design practices, and specified further measures to guide the development of the HST system in site-specific project environmental review to avoid and minimize potential adverse environmental impacts. In the subsequent Bay Area to Central Valley HST Final Program EIR/EIS, the Authority and FRA selected as the preferred alternative the Caltrain/UPRR corridor between San Jose and Gilroy to connect with the San Francisco to San Jose section, and from Gilroy to Merced they selected Pacheco Pass and Henry Miller Road corridor to connect with the Central Valley section of the HST system.

The San Jose to Merced HST Project EIR/EIS will tier from the Final Statewide Program EIR/EIS and the Final Bay Area to Central Valley HST Program EIR/EIS in accordance with Council on Environmental Quality (CEQ) regulations, (40 CFR § 1508.28) and State CEQA Guidelines (14 C.C.A. §15168[b]). Tiering will ensure that the San Jose to Merced HST Project EIR/EIS builds upon all previous work prepared for and incorporated in the Statewide Program EIR/EIS and the Bay Area to Central Valley HST Program EIR/EIS.

The Project EIR/EIS will describe site specific environmental impacts, will identify specific mitigation measures to address those impacts and will incorporate design practices to avoid and minimize potential adverse environmental impacts. The FRA and the Authority will assess the site characteristics, size, nature, and timing of proposed site-specific HST project sections to determine whether the adverse impacts are potentially significant and whether adverse impacts can be avoided or mitigated. This and other project EIR/EISs will identify and evaluate reasonable and feasible site-specific alignment alternatives, and evaluate the impacts from construction, operation, and maintenance of the HST system. Information and documents regarding this HST environmental review process will be made available through the Authority's Internet site: <http://www.cahighspeedrail.gov/>.

Project Objectives/Purpose and Need: The purpose of the proposed HST system is to provide a new mode of high-speed intercity travel that would link major metropolitan areas of the state; interface with international airports, mass transit, and highways; and provide added capacity to meet increases in intercity travel demand in California in a manner sensitive to and protective of California's unique natural resources. The need for a high-speed train (HST) system is directly related to the expected growth in population, and increases in intercity travel demand in California over the next twenty years and beyond. With the growth in travel demand, there will be an increase in travel delays arising from the growing congestion on California's highways and at airports. In addition, there will be negative effects on the economy, quality of life, and air quality in and around California's metropolitan areas from transportation system that will become less reliable as travel demand increases. The intercity highway system,

commercial airports, and conventional passenger rail serving the intercity travel market are currently operating at or near capacity, and will require large public investments for maintenance and expansion to meet existing demand and future growth.

Alternatives: San Jose to Merced HST Project EIR/EIS will consider a No Action or No Project Alternative and an HST Alternative for the San Jose to Merced corridor.

No Action Alternative: The No Action Alternative (No Project or No Build) represents the conditions in the corridor as it existed in 2007, and as it would exist based on programmed and funded improvements to the intercity transportation system and other reasonably foreseeable projects through 2035, taking into account the following sources of information: State Transportation Improvement Program (STIP), Regional Transportation Plans (RTPs) for all modes of travel, airport plans, intercity passenger rail plans, and city and county plans.

HST Alternative: The Authority proposes to construct, operate and maintain an electric-powered steel-wheel-on-steel-rail HST system, about 800 miles long, capable of operating speeds of 220 mph on mostly dedicated, fully grade-separated tracks, with state-of-the-art safety, signaling, and automated train control systems. The San Jose to Merced HST corridor selected by the Authority and FRA generally follows the Caltrain/UPRR corridor from San Jose to Gilroy. From Gilroy, the corridor extends east through the Pacheco Pass generally following State Route 152 and then along Henry Miller Road across the valley floor to connect with the Central Valley section of the HST system.

Further engineering studies will be undertaken as part of this EIR/EIS process that will examine design options along the Caltrain/UPRR corridor and possible use of portions of parallel transportation corridors. Alignment refinements in the Pacheco Pass area by potentially locating the HST line and tunnels closer to State Route 152 will be reviewed to determine their practicality and their ability to reduce environmental impacts. Alignment variations along Henry Miller Road (both to the north and the south) will be identified and evaluated for the purpose of reducing or avoiding impacts to natural resources in the Grasslands Ecological Area (GEA). Please see Figure 1 for a map of the San Jose to Merced section of the HST system, as described in the Bay Area to Central Valley Program EIR/EIS.

The entire alignment would be grade separated. The options to be considered for the design of grade-separated roadway crossings would include (1) Depressing the street to pass under the rail line; (2) elevating the street to pass over the rail line; (3) leaving the street as-is and constructing rail line improvements to pass over or under the local street, and (4) street closure, if appropriate. In addition, alternative sites for right-of-way maintenance, train storage facilities and a train service and inspection facility will be evaluated in the San Jose to Merced HST project area.

The preferred station in the City of Gilroy is the current Caltrain Station. This location was selected by the Authority and FRA through the Bay Area to Central Valley HST Final Program EIR/EIS considering the project purpose and need, and the program objectives. Alternative station sites at or near the preferred location may be identified and evaluated in this Project EIR/EIS. There will be no station between Gilroy and Merced. In addition, there will be no maintenance and storage facilities considered in the Los Banos area (or in the vicinity of the GEA).

Probable Effects: The purpose of the EIR/EIS process is to explore in a public setting the effects of the proposed project on the physical, human, and natural environment. The FRA and the Authority will continue the tiered evaluation of all significant environmental, social, and economic impacts of the construction and operation of the HST system. Impact areas to be addressed include transportation impacts; safety and security; land use and zoning; agricultural land impacts, land acquisition, displacements, and relocations and cumulative and secondary; cultural resource impacts, including impacts on historical and archaeological resources and parklands/recreation areas; neighborhood compatibility and environmental justice; natural resource impacts including air quality, wetlands, water

resources, noise, vibration, energy, and wildlife and ecosystems, including endangered species. Measures to avoid, minimize, and mitigate all adverse impacts will be identified and evaluated.

Scoping and Comments: The Authority encourages broad participation in the EIR/EIS process during scoping and review of the resulting environmental documents. Comments and suggestions are invited from all interested agencies and the public to insure the full range of issues related to the proposed action and all reasonable alternatives are addressed and all significant issues are identified. In particular, the Authority is interested in determining whether there are areas of environmental concern where there might be a potential for significant site-specific impacts. In response to this NOP, public agencies with jurisdiction are requested to advise FRA and the Authority of the applicable permit and environmental review requirements of each agency, and the scope and content of the environmental information that is germane to the agency's statutory responsibilities in connection with the proposed project. Public scoping meetings have been scheduled as an important component of the scoping process for both the State and Federal environmental review. The scoping meetings described in this Notice will be advertised locally and included in additional public notification. Scoping meetings are scheduled for the following cities:

- Merced Community Senior Center, 755 W. 15th Street, Merced, California, March 18 from 3:00 p.m. to 7:00 p.m. (joint meeting with the Bakersfield to Merced Section)
- Roosevelt Community Center, Community Room B, 901 E Santa Clara Street, San Jose, California, March 25, 2009 from 3:00 p.m. to 7:00 p.m.
- Gilroy Hilton Garden Inn Harvest Room, 6070 Monterey Road, Gilroy, California, March 26, 2009 from 3:00 p.m. to 7:00 p.m.

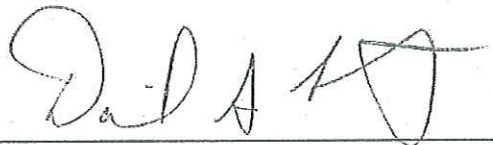
Public agencies are requested to send their responses to this Notice of Preparation to the Authority at the earliest possible date but no later than April 10, 2009.

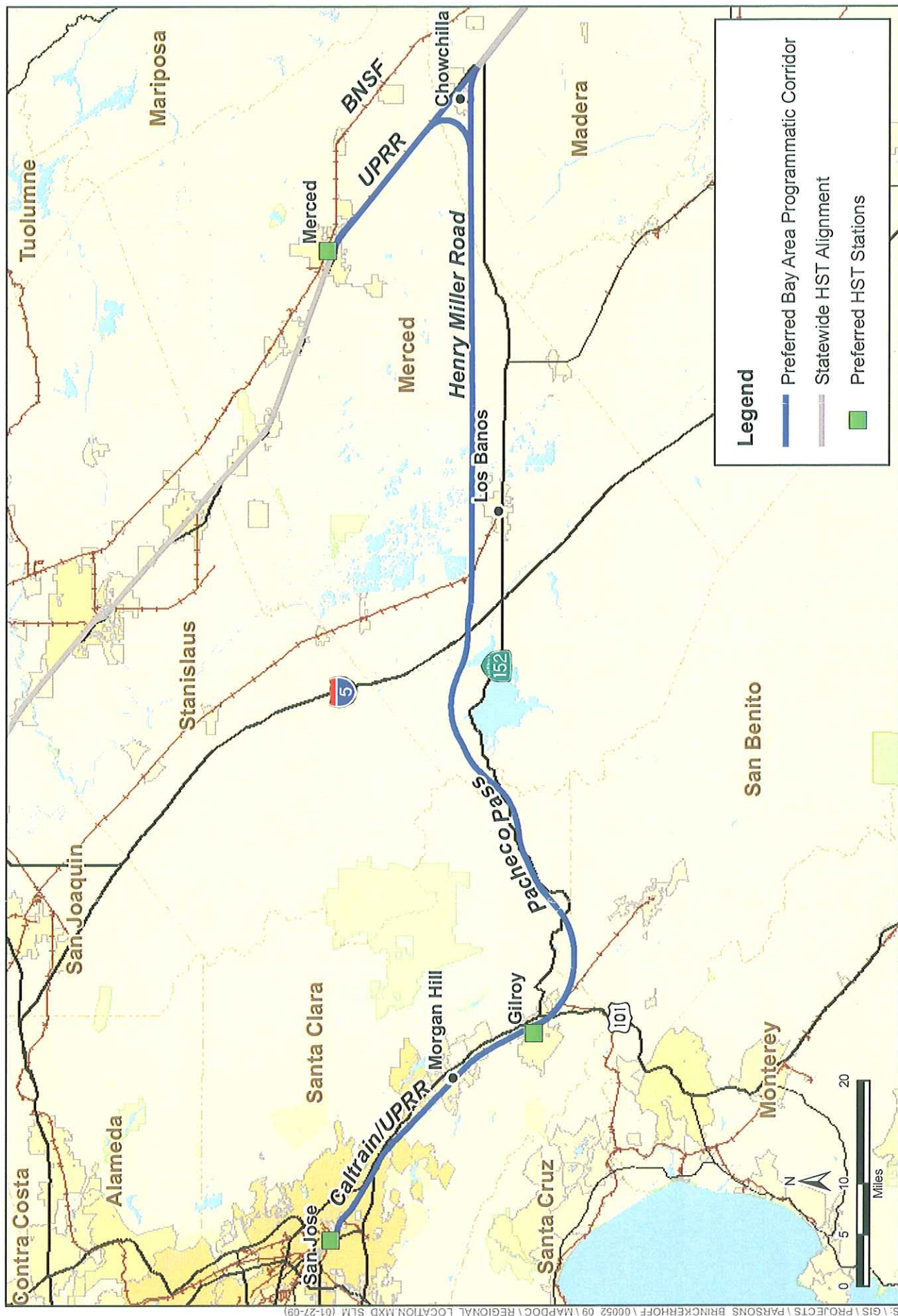
Please send your response and direct any comments or questions regarding this Project to Mr. Dan Leavitt, Deputy Director of the California High Speed Rail Authority at the address shown above.

Date:

02/23/09

Signature:





SOURCE: ESRI Streetmap USA (2008)

Figure 1
California High Speed Train
San Jose to Central Valley HST Project